FIRST AMENDMENT TO THE DRAFT ENVIRONMENTAL IMPACT REPORT

FMC/COLEMAN AVENUE

PLANNED DEVELOPMENT REZONING

(PDC98-104)

City of San Jose

SCH#1999122059

July 2003

PREFACE

This document, together with the Draft Environmental Impact Report (DEIR), constitutes the Final Environmental Impact Report (FEIR) for the FMC/Coleman Avenue PD Rezoning Project. The DEIR was circulated to affected public agencies and interested parties for a 45-day review period. This Amendment consists of comments received by the Lead Agency, the City of San Jose, on the DEIR, responses to those comments, and revisions to the text of the DEIR.

In conformance with the CEQA Guidelines, the FEIR provides objective information regarding the environmental consequences of the proposed project. The FEIR also examines mitigation measures and alternatives to the project intended to reduce or eliminate significant environmental impacts. The FEIR can be used by the City and other Responsible Agencies in making decisions regarding the project. The CEQA Guidelines require that, while the information in the FEIR does not control the agency's ultimate discretion on the project, the agency must respond to each significant effect identified in the DEIR by making written findings for each of those effects. According to the State Public Resources Code (§ 21002.1), no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

(a) The public agency makes one or more of the following findings with respect to each significant effect:

(1) Changes or alterations have been required in, or incorporated into, the project which will mitigate or avoid the significant effects on the environment.

(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities of highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

All documents referenced in this Final EIR are available for public review in the office of the City of San Jose Department of Planning, Building, and Code Enforcement, 801 North First Street, Room 400, San Jose, California, on weekdays from 9:00 am to 5:00 pm.

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I. LIST OF AGENCIES, GROUPS AND INDIVIDUALS RECEIVING THE DRAFT EIR

State, Regional, and Local Agencies

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Association of Bay Area Governments
Bay Area Air Quality Management District
California State Clearinghouse
California State Department of Health Services
California State Department of Fish and Game, Region 3
California State Department of Parks and Recreation
California State Department of Toxic Substances Control
California State Office of Historic Preservation
California State Resources Agency
Caltrans, District Four, Dept. of Transportation
Caltrans, Division of Aeronautics
City of Campbell
City of Milpitas
City of Santa Clara
City of San Jose Main Library
City of San Jose, Rosegarden Branch Library
County of Santa Clara, Airport Land Use Commission (ALUC)
County of Santa Clara, Historical Heritage Commission
County of Santa Clara, Parks and Recreation Department
County of Santa Clara, Planning Department
County of Santa Clara, Roads and Airports Department
County of Santa Clara, Vector Control
Federal Aviation Administration
Federal Highways Administration
Integrated Waste Management Board
Metropolitan Transportation Commission
Native American Heritage Commission
Northwest Information Center, Sonoma State University
Regional Water Quality Control Board, Region 2
San Jose State University Library
San Jose Unified School District
San Jose Water Company
Santa Clara Valley Transportation Agency
Santa Clara Valley Water District
State Water Resources Control Board
U.S. Environmental Protection Agency, Region 9
U.S. Fish and Wildlife Service

Individuals and Local Organizations

Audubon Society
California Pilot's Association
Coalition for Responsible Airport Management
Greenbelt Alliance
Guadalupe-Coyote Resource Conservation District
Native Plant Society
Pacific Bell
Pacific Gas and Electric Company
Sierra Club
Union Pacific Railroad
Wildlife Center of San Jose

II. LIST OF AGENCIES, ORGANIZATIONS, AND INDIVIDUALS COMMENTING ON THE INITIAL STUDY

Presented below is a list of agencies, organizations, and individuals commenting on the Draft Environmental Impact Report for the FMC/Coleman Avenue Planned Development Rezoning. The table below also identifies the date of the letter received, and whether the comments submitted require substantive responses. Comments that contain only opinions regarding the proposed project do not require substantive responses. Complete copies of all of the letters are included in Section III. of this document.

	Comment Received From	Date of Letter	Response Provided
Regional and Local Agencies			
A.	Santa Clara Valley Water District	April 28, 2003	Yes
B.	County of Santa Clara, Environmental Resources Agency	May 1, 2003	Yes
C.	California Regional Water Quality Control Board	May 14, 2003	Yes
D.	Bay Area Air Quality Management District	May 14, 2003	Yes
E.	County of Santa Clara, Roads and Airports Department	May 19, 2003	Yes
F.	State of California, Department of Transportation, Division of Aeronautics	May 21, 2003	Yes
G.	Santa Clara County, Airport Land Use Commission	May 22, 2003	Yes
H.	City of Santa Clara	May 27, 2003	Yes
I.	State of California, Department of Transportation	June 2, 2003	Yes
J.	Valley Transportation Agency	June 2, 2003	Yes

III. RESPONSES TO COMMENTS RECEIVED ON THE INITIAL STUDY

The following section includes all of the comments contained in letters received by the City of San Jose during the advertised 45-day review period for the Draft EIR prepared for the FMC/Coleman Avenue PD Rezoning. The comments are organized under headings containing the source of the letter and its date. The specific comments have been excerpted from the letters and are presented as "Comment" with each response directly following. Each of these letters submitted to the City is contained in its entirety in Section III. of this document.

REGIONAL AND LOCAL AGENCIES

A. RESPONSES TO COMMENTS FROM THE SANTA CLARA VALLEY WATER DISTRICT, DATED APRIL 28, 2003.

Comment A1: The District's main concern regarding redevelopment of this site is the continuing impacts storm water quality caused by urban uses of the site. We are pleased to see that the project will reduce the existing amount of impervious surfaces at the site by approximately 11 percent, resulting in approximately 20 percent pervious surface overall, and that grass/vegetated swales along with "good housekeeping" Best Management Practices (BMPs) will be incorporated into the site to help improve the quality of storm water in accordance with Provision C.3 of the City's National Pollutant Discharge Elimination System permit.

Response A1: The comment is acknowledged. No response is required.

Comment A2: As evidenced by this proposal, improving storm water quality can be accomplished even in a dense development when landscaping is designed to be multi-functional and thought is given to the inclusion of such measures early in project development. The District looks forward to the implementation of Provision C.3 and the increased use of BMPs such as grass/vegetated swales on projects to help improve the storm water runoff quality which will lead to improved water quality within the creeks.

Response A2: The comment is acknowledged. No response is required.

Comment A3: The proposed project is not within 50 feet of any District facilities; therefore, a District permit is not required.

Response A3: The comment is acknowledged. No response is required.

B. RESPONSES TO COMMENTS FROM COUNTY OF SANTA CLARA, ENVIRONMENTAL RESOURCES AGENCY, DATED MAY 1, 2003.

Comment B1: The draft environmental impact report (DEIR) indicates that eight pre-1956 buildings located on the project site will be impacted (demolished) by the potential construction of up to three million square feet of new office and research and development space, as well as an undetermined

amount of retail, hotel and commercial space. Two buildings (Buildings 15 and 62) constructed in 1948 were identified as retaining a high level of historic integrity. However, none of the buildings were determined to be eligible for the National Register of Historic Places or the California Register of Historical Places.

Response B1: This comment correctly states that buildings 15 and 62 were determined to retain a high level of historic integrity by the project Architectural Historian, Mr. Ward Hill. However, when the buildings were evaluated in accordance with the requirements of Section 106 of the National Historic Preservation Act and Section 15064.5(a)(2-3), of the CEQA guidelines, they were determined to be ineligible for listing on the National Register under Criteria A, B, or C, ineligible for the California Register, and they were determined to be non-historical resources for the purposes of CEQA.

This conclusion was independently reviewed by the California State Office of Historic Preservation (SHPO) as part of the Coleman/I-880 interchange project. SHPO's independent review concurred with the findings that the buildings on the site are not eligible for the NRHP (SHPO, letter dated November 12, 2002). In addition, the buildings were built between 1951 and 1961 and none of the structures qualify for historic status on the City of San Jose's Historic Inventory.

Comment B2: Information provided in the historic resources evaluation conducted by Ward Hill in March 2002 has the potential to support alternate conclusions regarding the eligibility of at least two of the buildings for listing in the California Register:

- The merger of the John Bean Spray Pump Company and Anderson-Barngrover (Food Machinery Company) in 1929 "gave this city [San Jose] the largest fruit manufacturing company in the world". FMC was a major company which made a significant contribution to the historic, economic development of San Jose and the Santa Clara Valley. In 1940, FMC had total sales of $10.4 million and nine small machinery plants across the country. The fruit packing machinery factory (Buildings 15 and 62) appears to be the first factory constructed for FMC in San Jose. Rather than analyzing the significance of the Coleman Avenue factory in relation to the company (FMC) and other FMC factories, its significance should be evaluated locally. Is this type of factory (fruit packing machinery production) one of the few remaining in San Jose related to the fruit processing industry? What kind of impact did the later use of the factory for the production of airline industry machinery have on the airline industry in the Santa Clara Valley?

Response B2: As stated previously, the buildings on the project site are not eligible for the NRHP or the California Register, they do not appear to be historical resources for the purposes of CEQA, nor do they qualify for historic status on the City of San Jose's Historic Inventory. The buildings on the project site do not appear to be eligible for the California Register due to their age (slightly older than 50 years) and lack of significance in terms of California history. As the comment notes, FMC was created in 1929; however, the buildings on the project site were not the first FMC factories in San Jose. The first factory after the merger of the John Bean Spray Pump Company and Anderson-Barngrover, was located north of West Julian Street, on the east bank of the Guadalupe River. It should be noted that the processing of fruit did not occur on either the West Julian Street site or the project site.

There are at least six historic fruit processing/canning facilities located within San Jose. They include the Del Monte/Calpak canneries on Auzerais Street, Bush Street,

N. Ninth Street (two facilities), N. 8th Street, and the American Canning Company facility on S. 5th Street. The project site was used in the 1960s and 1970s for the production of armored personnel carriers, including the Bradley Fighting Vehicle. The site was used primarily for the manufacturing of military vehicles; therefore, it appears that the manufacturing of airline equipment was an ancillary use on the site. Chemicals, petroleum equipment and food processing equipment were also produced on the site.

Comment B3: FMC played a significant role in the development of armored military vehicles in the United States (M75, M59, M113). In direct response to the popularity of the M113, the Coleman Avenue factory was significantly expanded in the late 1950s and 1960s. While the armored vehicle factory and related buildings are not yet 50 years old, they were determined to be potentially eligible for the National Register of Historic Places in the future. A more comprehensive study/analysis at this time may establish a case now for eligibility for listing in the California Register of Historic Places. What role did FMC play in military production locally? Was FMC a leader in the military production industry in the Santa Clara Valley at the time?

Response B3: The first buildings constructed on the site are just over 50 years in age; however, as noted above, the historic analysis prepared for the DEIR concludes that these buildings did not qualify as historical structures for the purposes of CEQA. Should construction of the proposed project not occur for a significant period of time (i.e., 10 years or more), the City may determine that a reevaluation of the historical integrity of the structures could be warranted.

A major change in the focus of the Santa Clara Valley economy occurred in 1933 with the completion of various military facilities. When the Naval Air Station in Sunnyvale opened in 1933, a variety of other military related industries started up in the area. The Depression and war eras "...marked the beginning of economic dependence on military contracts and the business of war" (Ignoffo 1994:60). In this context, FMC was simply one of the many companies producing military equipment in the greater Santa Clara County area.

Comment B4: The City of San Jose should consider obtaining a second opinion from a qualified historic resources consultant to address the information and questions discussed above.

Response B4: The opinion of the commenter is noted. As stated previously in Response B1, the conclusions of the DEIR were confirmed during an independent review by the State Office of Historic Preservation.

C. RESPONSES TO COMMENTS FROM THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, DATED MAY 14, 2003.

Comment C1: Regional Board staff would like to acknowledge the discussion of compliance with the Santa Clara Valley Urban Runoff Pollution Prevention Program's NPDES Permit No. CAS0299718 (Regional Board Order No. 01-024) for the discharge of urban runoff. The discussion of Provision C.3 of this NPDES Permit, in Section F of Chapter III and Appendix J, summarizes the compliance requirements and identifies appropriate site-specific management measures for stormwater runoff. The level of detail in the DEIR should facilitate the future redevelopment of the Project site in conformance with the requirements of the NPDES permit.

Response C1: The acknowledgement is noted.

Comment C2: Page 11 of the DEIR describes modifications to Coleman Avenue and the construction of two new four-lane streets. Regional Board staff would like to encourage the project proponents to incorporate storm water management features into the designs of these streets, such as depressed vegetated swales along the medians or shoulders of the road, with curbs designed to transmit stormwater flows to the swales. Guidance manuals, such as *Green Streets, Innovative Solutions for Storm Water and Stream Crossings* (June 2002, ISBN 0-9662473-5-3), prepared by Metro can be consulted for additional street design ideas to reduce the impacts of storm water runoff from streets.

Response C2: As stated on Page 11 of the DEIR, the project, including the construction of streets, will be required to meet the requirements of the City of San Jose and the conditions of a National Pollution Discharge Elimination System Permit. Post-construction runoff on the site will be controlled by vegetative/grassy swales, as described in Section III, F. of the DEIR. Public streets would be constructed to meet City of San Jose standards.

D. RESPONSES TO COMMENTS FROM THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT, DATED MAY 14, 2003.

Comment D1: The District supports in-fill development that is of a moderate to high density, has a variety of compatible land uses and encourages alternative modes of transportation. These projects are generally much less automobile-dependent and generate less air pollution than conventional sprawl development, especially if the mixture of uses includes needed services. The FMC/Coleman Avenue project fulfills these goals by redeveloping more intensely on an in-fill site near transit. However, the Air Quality section of the DEIR states that project-level emissions are likely to exceed the District's significance threshold for criteria air pollutants. If significant air quality impacts are identified, the Final Environmental Impact Report (FEIR) must include all feasible mitigation measures to reduce those impacts. Therefore, we suggest that the City do as much as possible to reduce vehicle trips and vehicle miles traveled associated with the project. We recommend that the site design be revised to encourage more walking, biking and transit use. Specific recommendations are provided below.

Response D1: The comment is correct in that the DEIR states that the project would result in significant regional air quality impacts due to incremental daily emission increases resulting from the traffic expected to be generated by the proposed project. As stated on page 67 of the DEIR, regional air quality impacts would be reduced by approximately 10 to 15 percent with the implementation of mitigation measures described below, as well as the Transportation Demand Management (TDM) measures described in Section III, B. Transportation, of the DEIR. Specific mitigation measures include the following:

- Use site planning to provide pedestrian/bicycle circulation and orient development toward transit opportunities.
- Provision of physical improvements, such as sidewalks, landscaping, the installation of bus shelters, bicycle parking, and the operation of a shuttle to the

nearby transit center that would act as incentives for pedestrian, bicycle and transit modes of travel.

- Implement a vehicle-trip reduction program and provide employees with incentives to carpool and/or utilize transit.

The adoption of the above measures will have the potential to reduce the regional impacts of the project by approximately ten to 15 percent. While their implementation will reduce air quality impacts it would not be sufficient to reduce the project's regional air quality impacts to a less than significant level.

Comment D2: As a mixed use development near a major regional transit facility, the FMC/Coleman Avenue Planned Development project provides an excellent opportunity for the City to promote transportation alternatives. The Santa Clara Valley Transit Authority (VTA) is planning for an inter-modal station adjacent to the project site where a new BART station will link with the San Jose International Airport Automated People Mover and the existing Santa Clara Caltrain station. Despite this obvious transit-oriented development opportunity, the City is not proposing, as part of this project, any physical connections between the site and the inter-modal station (p. 36). We strongly encourage the City to amend the project to include direct, safe and convenient pedestrian and bicycle access to the site from all nearby transit facilities.

Response D2: As stated in this comment, connections to the Caltrain facility located to the west of the project site are not proposed as part of the FMC/Coleman Planned Development Rezoning project. The proposed project would not; however, preclude the development of such a connection in the future. As stated on page 8 of the DEIR, project plans have been designed to develop only parking and landscaping on approximately seven acres located on the central western edge of the site adjacent to the Union Pacific lands where future BART facilities are being considered. No buildings are proposed in this area so that it can be acquired by BART for a future transit facility without necessitating the removal of buildings. During project-level review of specific development plans for the site, direct, safe, and convenient pedestrian and bicycle access routes will be considered.

Comment D3: The City can further maximize the benefits of the project's location by incorporating as many appropriate transportation demand management (TDM) measures as possible. The DEIR lists several good TDM measures in the *Air Quality* and *Transportation* sections, including physical improvements to the site such as sidewalks, bus shelters and bicycle parking; the operation of a shuttle to the nearby transit center (which we support if direct pedestrian/bicycle access is not feasible); incentives for carpooling; transit subsidies for employees (like VTA's EcoPass program); and a guaranteed ride home program. These measures promote transportation alternatives to the single-occupant vehicle which help to mitigate the project's air quality impacts.

Response D3: As described on pages 58 and 67 of the DEIR, the project will include TDM measures to reduce air quality and transportation impacts. The comment is noted.

Comment D4: We encourage the City to implement additional TDM measures to reduce the air quality impacts associated with project development. We are concerned about the project's design with regards to on-site parking. According to the project description, the FMC/Coleman Avenue Planned Development will provide approximately 9,600 parking spaces. An over-supply of parking is one of the reasons many commuters do not consider alternatives to the single-occupant vehicle. We recommend that the City require the project applicant to reduce the number of parking spaces and implement a parking cash-out program. Parking cash-out requires employers to provide transit

and/or ridesharing subsidies to non-driver employees in amounts equivalent to the subsidized parking, thereby encouraging those who would normally drive alone to consider a commute alternative.

Response D4: As described on the General Development Notes for the project (Appendix H), the maximum amount of parking for the site shall not exceed 9,600 parking spaces (3.2 stalls per 1,000 square feet of gross building area for office/R&D uses), which can be constructed in either parking garages or as surface parking. A 25% reduction of the City of San Jose's minimum off-street parking requirements as set forth in the Zoning Ordinance will be permitted upon project development because of the site's transit orientation. Further, retail, restaurants, commercial stores, and shops are not required to provide parking spaces when intended to be secondary support commercial uses. The exact number of spaces to be provided on the site will depend upon the square footage of office/R&D uses actually proposed on the site; however, with a 25% reduction, this amount could be less than 7,200 spaces over the 92.5-acre site.

Additional TDM measures can be considered for the project, including parking cash-out programs, once specific development is proposed for the site.

Comment D5: We strongly encourage the City to pursue a mix of land uses and site design for the FMC/Coleman Avenue site that will incorporate office-serving commercial and retail uses within close proximity to the office uses. Providing more office-serving commercial uses will help reduce many mid-day trips. These retail and commercial uses should be pedestrian and bicycle accessible. If shops and services are in walking or biking distance from offices, employees will be less likely to drive during the mid-day. Similarly, employees who do not need a personal vehicle for mid-day trips will be more likely to ride transit to work. As a result, fewer vehicle trips will be generated thereby reducing the air quality impacts of the development.

Response D5: While specific plans are not available for the project site, development would include office/R&D development and an undetermined amount of hotel, retail, and commercial uses. Permitted uses would be those of the *CP Commercial Pedestrian* and *IP Industrial Park* zoning districts. Therefore, office-serving commercial uses are anticipated for the site.

Comment D6: The DEIR indicates that old buildings and industrial structures exist on-site, and that the project is likely to involve the demolition and removal of such structures. These actions could expose people to hazardous materials such as asbestos, lead-based paint, and/or contaminated soil. Such activities require careful mitigation planning and may require prior approval from the District. For more information on District regulations regarding demolition and soil remediation, please contact our Compliance and Enforcement Division at (415) 749-4762.

Response D6: Mitigation measures are included in the project to reduce air quality and hazardous materials impacts during site demolition to a less than significant level. These measures are found on pages 66, 67, and 105 of the Draft EIR and include the preparation of an Integrated Environmental Safety and Health Plan (IESHP) for the construction phase of the project. The IESHP would provide: 1) a means for monitoring of hazardous substances in soils and in buildings that are to be demolished; 2) to assess and prioritize the risks associated with each potential hazard; 3) develop measures to minimize risk to workers and the public by controlling airborne emissions; 4) provide for coordination with the DTSC, BAAQMD, and other

agencies as needed; and 5) control emissions of ordinary particulate matter or airborne dirt that would not be classified as "hazardous".

Comment D7: For more details on our agency's guidance regarding environmental review, we recommend that the City refer to the *BAAQMD CEQA Guidelines: assessing the Air Quality Impacts of Projects and Plans (1999)*. The document provides information on best practices for assessing and mitigating air quality impacts related to projects and plans, including construction emissions, land use/design measures, project operations, motor vehicles, nuisance impacts and more. If you do not already have a copy of our guidelines, we recommend that you obtain a copy by calling our Public Information Division at (415) 749-4900 or downloading the online version from the District's web site at www.baaqmd.com.

Response D7: The reference is noted.

E. RESPONSES TO COMMENTS FROM THE COUNTY OF SANTA CLARA ROADS AND AIRPORTS DEPARTMENT, DATED MAY 19, 2003.

Comment E1: On page 43, under "Freeway Segments Existing Levels of Service. "Montague Expressway is not included. Please fill in this gap.

Response E1: The LOS for U.S. 101 from De La Cruz to Montague Expressway is shown as LOS F Southbound during the PM peak hour. There is an extra bullet and line space on the page, which were removed, as described in Section IV. of this First Amendment to the Draft EIR.

Comment E2: On page 45, under "City of Santa Clara Local and Regional Intersections," the text of the paragraph mentions three CMP intersections, but lists only two intersections. Please include the third CMP intersection also in the list.

Response E2: The third intersection is the Coleman Road/Brokaw Road intersection. As described on page 45, this intersection is expected to improve under background conditions from LOS E to LOS D, due to programmed improvements, which have been funded for this intersection. The text of this paragraph will be changed to reflect that two rather than three intersections in the City of Santa Clara are projected to operate at an unacceptable level of service F. See Text Revisions (Section IV.) of this First Amendment to the Draft EIR.

Comment E3: As stated on Page 45, the Central Expressway/Lafayette Street and Central Expressway/De La Cruz intersections operate at an unacceptable Level of Service (LOS) F under background conditions. However, no specific traffic mitigation measures are included in the Draft EIR. This is unacceptable.

Response E3: Background conditions are defined as existing traffic volumes, traffic associated with potential occupancy of existing FMC buildings, plus traffic generated from approved projects in the vicinity. The traffic generated by the proposed project would not significantly contribute to background conditions; therefore, mitigation measures are not required. Under project conditions (existing conditions plus background conditions plus project traffic), the intersection of Central Expressway/Lafayette Street is projected to continue to operate at an unacceptable LOS; however, the

project would not add to its condition. The intersection of Central Expressway/De La Cruz Boulevard would remain at LOS F during both peak hours. Mitigation design to include an additional left-turn lane for the eastbound approach of this intersection is currently underway by Santa Clara County Roads and Airports Department and implementation is funded by both the County and the City of San Jose, as described on page 58 of the EIR. After implementation of the mitigation, the intersection will operate at LOS E in the AM and LOS F in the PM peak hours (at levels better than under existing conditions without the proposed project).

Comment E4: On page 54, under "Freeway Mitigation Measures", the Draft EIR states as follows: "Mitigation for freeway impacts would require adding lanes to the freeways. This is not practical for one development to implement."

As stated on page VI, under "Transportation, Environmental Impacts and Mitigation Measures," the project would include measures to encourage the use of public transit and carpooling. The Draft EIR asserts that implementation of these measures would not reduce impacts.

It is therefore recommended that the City require the developer to contribute funding towards 880/Coleman Avenue interchange reconstruction project. Savings to STIP program would then be available to other regional programs, e.g., Central/Montague Expressways. This is reasonable since the development seeks mitigation from City/County funded project at Central Expressway/De La Cruz Boulevard intersection.

Response E4: The comment correctly states the conclusion found on page 54 of the Draft EIR regarding the impracticality of requiring one development to add lanes to freeways in the project area. As stated in this comment, Page vi of the summary of the Draft EIR states that "the project includes measures to encourage the use of public transit and carpooling, as described in Section III, B. 3. of this EIR. In addition, a Transportation Demand Management program will be implemented. However, implementation of these measures would not reduce impacts to freeway segments to *a less than significant level*. Therefore, the project would result in significant unavoidable impacts to freeway segments.

The developer is contributing toward the construction of the recently-approved I-880/Coleman Avenue Interchange Improvement Project by providing the additional right-of-way required for the various components of that project. This includes right-of-way for new/relocated ramps and a relocated Newhall Street. This contribution is the focus of a Cooperation Agreement between the developer, the City, and VTA, as noted on page 27 of the Draft EIR.

Comment E5: In summary, we find it difficult to accept the fact that for such a massive project, creating substantial traffic impact, the Draft EIR does not include a single tangible road-way improvement to mitigate traffic impacts of the proposed development.

Response E5: As stated in the Transportation section of the Draft EIR (page 54), mitigation is included in the project for the following intersections: 1) Coleman Avenue/Taylor Street, 2) Coleman Avenue/Hedding Street, and 3) Coleman Avenue/Aviation Avenue. In addition, as noted in Response E4, the developer is providing a substantial contribution to the I-880/Coleman Avenue Interchange Project through the provision of right-of-way.

F. RESPONSES TO COMMENTS FROM THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION, DIVISION OF AERONAUTICS, DATED MAY 21, 2003.

Comment F1: Portions of the project site fall between the 60 dB to 75 dB Community Noise Equivalent (CNEL) airport contours. The ALUC recommends an interior noise level of "40 dBA" for hotel and motel sleeping areas.

Response F1: As stated on page 72 of the Draft EIR, the ALUC discourages hotels and other residential uses in areas where the CNEL exceeds 65 dB. However, if these uses are related to airport service, they will be considered on a case-by-case basis and may be approved if appropriate interior noise levels are maintained. As part of the mitigation measures to be implemented, an acoustical consultant shall review the project plans including proposed building siting and will provide specific recommendations to ensure that interior noise levels of 45 dB (City of San Jose General Plan) are maintained for future occupants of the site.

Comment F2: The Draft EIR states that the proposal will be referred to the ALUC for a consistency determination "once specific development is proposed for the site". Public Utilities Code (PUC) Section 21676 requires local General Plans and any amendments to be consistent with the adopted airport land use compatibility plans developed by the ALUC. In addition to submitting the proposal to the ALUC, it should also be coordinated with airport staff to ensure that the General Plan will be compatible with future as well as existing airport operations.

Response F2: The proposed project is a Planned Development Rezoning and not a General Plan Amendment. A General Plan Amendment was approved for the project in 1998 that changed the General Plan land use designation of the site from Heavy Industrial to Combined Industrial/Commercial. As stated in the comment, the proposal will be referred to the ALUC for a consistency determination once specific development is proposed for the site. Airport staff has determined that the proposed project is not incompatible with future as well as existing airport operations.

Comment F3: In addition, in accordance with CEQA, Public Resources Code 21096, the Department's Airport Land Use Planning Handbook (Handbook) must be utilized as a resource in the preparation of environmental documents for projects within an airport land use compatibility plan boundary or if such a plan has not been adopted, within two nautical miles of an airport. The Handbook can be accessed at www.dot.ca.gov/hq/planning/aeronaut/ under the Office of Technical Services or please contact this office to request a copy. The Handbook is a resource that should be applied to all public use airports.

Response F3: This Handbook was utilized in the preparation of the DEIR.

Comment F4: A large area of the project site appears to be within the Inner Turning Zone for Runway 11-29 as defined by the Handbook. The Inner Turning Zone encompasses locations where aircraft are typically turning from base to final approach legs of the standard traffic pattern and are descending from traffic pattern altitude. The Inner Turning Zone also includes the area where departing aircraft normally complete the transition from takeoff power and flap settings to a climb mode and have begun to turn to their en route heading. The Handbook generally recommends against nonresidential uses that have a moderate or higher usage intensities (e.g., major shopping

centers, fast food restaurants, theaters, meeting halls, buildings with more than three aboveground habitable floors).

Response F4: The comment is noted. The Santa Clara County ALUC has not adopted the State Handbook zones and has previously determined the General Plan change for the project site to be consistent with its Land Use Plan for the airport. The proposed Planned Development Rezoning will similarly be referred to the ALUC for a consistency determination and development will comply with the requirements of the Federal Aviation Regulations Part 77. In addition, the project is consistent with the City's adopted Airport Master Plan for NYMSJIA and the ALUC policies for safety zones at the airport.

Comment F5: According to the Draft EIR Summary (pg. V) all "building heights proposed for the site will comply with the limits defined by the Federal Aviation Administration (FAA) standards for the NYMSJIA and the City's existing avigation easement for the property. Any proposed structures which would exceed these established limits would be subject to FAA review and issuance of a Determination of No Hazard and agreement from the City to amend its avigation easement." Additional information concerning Federal Aviation Regulations Part 77 and the Notice of Proposed Construction or Alteration (Form 7460-1) can be accessed at http://www1.faa.gov/ats/ata/ATA400/oeaaa.html. A copy of the Form 7460-1 and FAA's advisory circular are enclosed for your reference.

Response F5: The informational comment is noted.

Comment F6: The need for compatible and safe land uses near airports in California is both a local and a state issue. Along with protecting individuals who reside or work near an airport, the Division of Aeronautics views each of the 251 public use airports in California as part of the statewide transportation system, which is vital to the state's continued prosperity. This role will no doubt increase as California's population continues to grow and the need for efficient mobility becomes more crucial. We strongly feel that the protection of airports from incompatible land use encroachment is vital to California's economic future. Airport land use commissions and airport land use compatibility plans, however, are key to protecting an airport and the people residing and working in the vicinity of an airport.

Response F6: As stated previously, the proposed Planned Development Rezoning will be referred to the ALUC for a consistency determination and development will comply with the requirements of the Federal Aviation Regulations Part 77. In addition, the project is consistent with the City's adopted Airport Master Plan for Norman Y. Mineta San Jose International Airport.

G. LETTER FROM SANTA CLARA COUNTY AIRPORT LAND USE COMMISSION, DATED MAY 22, 2003.

Comment G1: The southeasterly corner of the project site, approximately nine acres, lies within the Safety Zone for Runway 11-29 of SJIA. ALUC policies for SJIA safety zones restrict the density of usage allowed to an average of 10 persons per acre and a maximum of 25 persons per acre at any given time. The policies further restrict land uses to those that are nonresidential, and prohibit the storage of more than 100 gallons of flammable materials per acre.

Response G1: The comment correctly states the policies of the ALUC Land Use Plan for Norman Y. Mineta San Jose International Airport.

Comment G2: Land uses typically favored within an adopted safety zone are those that provide a very low density of use, are not noise sensitive, and do not present a potential aviation hazard from glare or other sources. Uncovered parking, single-story warehousing, and nonhazardous equipment storage are examples of urban uses typically compatible with airport safety zones.

The DEIR states that no structures are proposed for the nine acres of the site occurring within the safety zone, and that parking may be placed in that area. The proposed parking uses, preferably uncovered, would be consistent with ALUC safety zone policies.

Response G2: As stated on page 8 of the DEIR, no buildings are proposed for the southeastern corner of the site since that area of the site is located within the ALUC Safety Zone for Airport Runway 11-29. As shown on the Conceptual Master Site Plan for the project (Figure 5, page 7), only parking is proposed for this location. Therefore, as this comment states, the project is consistent with ALUC policies for NYMSJIA safety zones.

Comment G3: The project proposes to construct 3 million square feet of office, research and development, retail and hotel space on a 92.5 gross-acre site. The ALUC Land Use Plan defines these uses as "commercial". Figure 15 in the DEIR uses the City of San Jose's projected 2006 Noise Exposure Map to determine the location of the various CNEL noise contours that affect the project site. The noise contour levels on the site range from 55 dB CNEL to 75 dB CNEL. According to Table 1: Land Use Compatibility Chart for Aircraft Noise in the Vicinity of San Jose International Airport in the ALUC Land Use Plan, commercial uses are considered "satisfactory" up to the 65 contour. Between the 65 and 75 contour, they are considered "cautionary", and can be considered only when noise insulation needs have been carefully reviewed.

The DEIR has identified mitigation measures to reduce potential interior noise impacts from aviation and other sources to a less than significant level. These include development restrictions consistent with ALUC noise and land use policies as described in Table 1 and noise attenuation components that would ensure a maximum of 45 dB in interior office and hotel spaces.

Response G3: The statements in this comment accurately reflect the information provided in the DEIR. No response is required.

Comment G4: Although the DEIR thoroughly discusses CNEL noise levels, it does not discuss Single Event Noise Exposure Levels (SENEL), as required by the Land Use Plan. The Final EIR should include a discussion of SENEL levels on the project site, and provide mitigation measures to achieve a maximum interior decibel reduction for both CNEL and SENEL levels for proposed development.

Response G4: The Draft EIR (page 70) notes that aircraft-related, single-event noise levels in the southeast corner of the project site (i.e., the portion of the site closest to the Airport) range from 75 to 80 dBA. Single-event noise levels due to aircraft operations would be lower at other locations on the site, consistent with the noise contours shown on Figure 15. Existing single-event noise levels are lower than those that occurred in the past due to the mandatory phase-out of noisier "Stage 2" aircraft as of December 31, 1999.

Per consultation with ALUC staff[1] during the preparation of this response, it was recognized that the table in the current ALUC Land Use Plan that is used to calculate the level of attenuation needed to comply with the ALUC's interior noise standards is outdated. ALUC staff noted that the Land Use Plan is being revised to reflect current conditions and standards.

The fact that the ALUC Land Use Plan is being updated does not change the noise mitigation measures that are listed in the Draft EIR. Those measures indicate that interior noise levels within buildings on the project site will comply with the requirements set forth in the ALUC's Land Use Plan.

Comment G5: The project site is located within a height-restricted area, and any resultant development would be subject to specific height limits established by the FAA and listed in the Land Use Plan. An avigation easement has already been recorded for the project site, and the specified height limits above mean sea level range from 108 feet on the southeastern portion of the site, to 208 feet on the northern and western portions of the site. This is consistent with ALUC policy requiring avigation easements for developments within airport referral areas. In addition, the site has been subject to a General Plan text amendment requiring development conform to established FAA surface height limitations.

The DEIR indicates that proposed building heights would not exceed FAA surface height limitations and would conform to the terms of the avigation easement. In addition, FAA height clearances would be obtained at the time of site development. This would be consistent with ALUC height policies.

Response G5: The comment correctly describes the height limit information for the site contained in the DEIR and confirms that by adhering to the policies of the ALUC, FAA, and City of San Jose, the project would be consistent with the height policies of those agencies. No response to this comment is required.

H. LETTER FROM THE CITY OF SANTA CLARA, DATED MAY 27, 2003.

Comment H1: Throughout the DEIR, the project site is identified as the 92.5 acre FMC site. For the purpose of accuracy, the FMC site encompasses approximately 100.5 acres, of which 92.5 acres are located in the City of San Jose and eight acres are located in the City of Santa Clara. The project site consists of a 92.5-acre portion of the existing 100.5-acre FMC site located within the City of San Jose.

Response H1: The comment correctly describes the acreage of the project site and the jurisdiction within which it is located. As stated on page 1 of the DEIR, the portion of the property located within the City of Santa Clara is not part of the project covered in the EIR. This fact is shown on the General Development Plan (Figure 4, page 5) and the Conceptual Master Site Plan (Figure 5, page 7).

Comment H2: A single reference is made to gross acreage of the site, on page 60 of the document, in a discussion of parking supply and site development. The DEIR states that there are 9,990 parking spaces proposed across the 100-acre site with phased development of the proposed project. This is

[1] Telephone communication with Derek Farmer, 6/11/03.

approximately a 1:300 parking ratio on a site that is adjacent to a major commuter rail alignment and bus service connection. Development on the eight-acre portion of the FMC site within the jurisdiction of Santa Clara will require separate review and approval. A discussion of the existing land use and zoning designation of this portion of the site and the entitlement process to allow development on the Santa Clara portion is absent from the discussion. To date, there have been no plans submitted to the City for review or consideration of parking on the eight-acre portion of the FMC site in Santa Clara. Therefore, the project needs to modify the parking numbers to accurately reflect the supply of parking spaces that would be developed on the 92.5-acre portion of the FMC site in the City of San Jose, or otherwise address Santa Clara's need to review a portion of the project.

Response H2: Page 60 of the DEIR contains information regarding air quality and no mention of parking supply and site development is found on that page. No comment can be found in the DEIR regarding the application of a 1:300 parking space ratio on the entire 100-acre site, as the site is 92.5 acres, as stated in the previous comment. Further, as stated on pages 8 and 53 of the DEIR, the project proposes to supply a maximum of 9,600 parking spaces, at a ratio of 3.2 spaces per 1,000 square feet of building area, over the 92.5-acre site. This number can be reduced by up to25% per the City of San Jose's Zoning Ordinance.

As stated on page 1 of the DEIR, the portion of the property located within the City of Santa Clara is not part of the project covered in the EIR. Therefore, no entitlements for the development of the portion of the FMC property within Santa Clara will be required.

Comment H3: The DEIR does not examine or discuss the visual impacts to the view corridor across the site and along Coleman Avenue.

Response H3: The aesthetic (visual) characteristics of the project site and the aesthetic impacts are discussed in the Land Use section of the DEIR (pages 28 and 32). As stated on page 32, the site is not part of any scenic views or vistas, nor is it located along a scenic corridor. Therefore, the project would not have any impact on scenic vistas. As future projects and building designs come forward, at the Planned Development Permit stage, they will be evaluated as to conformance with City design guidelines and standards. An additional visual analysis may be required at that time.

Comment H4: The intersection of Coleman and Brokaw is expected to improve under Background conditions due to programmed improvements. Please name specific programmed improvements.

Response H4: According to City of Santa Clara Public Works staff[2], under the City of Santa Clara Capital Improvement Program (CIP) number 525–2624, funding has been secured for improvements to the intersection of Coleman Avenue/Brokaw Road. These improvements include one additional southbound through lane.

Comment H5: The intersection of Coleman and Brokaw will experience very large traffic volume increases in the eastbound and westbound Coleman approaches, as shown in Appendix B, from the Existing condition to the Project condition. Please explain how the LOS at this intersection can improve (even with programmed improvements), considering the very large volume increases.

[2] Telephone communication with David M. Pitton (6/9/03).

Response H5: Currently this intersection operates at LOS "E" during the PM peak hour due to the lack of through capacity. Based on the TRAFFIX analysis completed for the project, the additional through lane at the Coleman Avenue/Brokaw Road intersection to be constructed as part of the City of Santa Clara CIP program, will allow the intersection to accommodate future trips generated by the proposed project.

Comment H6: The intersection of De La Cruz and Central is shown to degrade (in the PM peak hour) by 24.1 seconds in delay and by a 0.029 V/C ratio, exceeding the thresholds of significance for CMP intersections. However, the text states that there is a "less than significant impact at this intersection". Please revise text and offer a mitigation for the obvious impact.

Response H6: The information contained in this comment can be found in Table 4 of the DEIR (page 41). As stated on page 50 of the DEIR, the intersection of Central Expressway/De La Cruz Boulevard would be affected by the project and would remain at LOS F during both peak hours. The DEIR further states that in those cases where the level of service remains unchanged, the change in critical V/C ratio and/or the change in critical movement delay trigger a significant impact. Therefore, the conclusion statement at the end of that section should read "Development of the proposed project would not worsen conditions at the Central Expressway/Lafayette Street. The project would contribute to the degradation of the Central Expressway/De La Cruz Boulevard CMP intersection. **(Significant Impact)** This change is reflected in the Text Revisions section of this First Amendment to the Draft EIR.

Mitigation measures for the Central Expressway/De La Cruz Boulevard CMP intersection are described on page 58 of the DEIR under the heading *Mitigation to be Implemented by Others*. For the eastbound approach, one left-turn lane will be added and signal modifications will be implemented. The project design is currently underway by Santa Clara County Roads and Airports Department and implementation is funded by both the County and the City of San Jose. Even with the addition of project traffic, implementation of this mitigation by others would improve conditions at this intersection to a less than significant level.

Comment H7: CMP Guidelines for evaluation of transit facilities shall consider six effects, with the 6th effect being "identification of facilities that provide better access to transit facilities". Please address the project's access to the future BART station.

Response H7: As stated on pages 8, 58, 119, and 121 of the DEIR, project plans have been designed to develop only parking and landscaping on approximately seven acres located on the central western edge of the site adjacent to the Union Pacific lands where future BART facilities are being considered. No buildings are proposed in this area so that it can be acquired by BART for a transit facility without necessitating the removal of structures.

The proposed project would have indirect access to the future BART station on the north side of the Union Pacific Railroad right-of-way, centered on Brokaw Road, via the proposed site roadway along the western boundary of the site. It is anticipated that ultimately, this roadway would extend to and connect with Brokaw Road in the City of Santa Clara; however, neither construction of this roadway from the project site to Brokaw Road in the City of Santa Clara, nor direct access to the BART station are included in the proposed project.

Comment H8: CMP Guidelines for evaluation of bicycle and pedestrian facilities shall consider three issues, with the 3rd issue being "bicycle and pedestrian facilities that the Project proposes". Please address the project's bicycle and pedestrian facilities that allow access to the future BART station.

Response H8: Bicyclists and pedestrians traveling on BART would access the site via the previously described future roadway connection from Brokaw Road and the project roadway along the western boundary of the site. Sidewalk extensions from these roadways into the project site will be provided. The site would also include a number of bicycle stalls and lockers sufficient to accommodate bicyclists.

It should be noted that the likelihood that BART passengers will access the site via pedestrian movements varies across the site. The distance between the proposed BART station and the northern edge of the site is approximately 1,300 feet. The distance between the BART station and the midpoint of the site is approximately 3,000 feet, while the distance between the BART station and the southern edge of the site is approximately 4,600 feet. It has been estimated that 2,300 feet is the maximum distance that "most people" are willing to walk from a transit stop for general purpose. With respect to the work trip, it is estimated that 3,000 feet is the point at which bus access to transit stops becomes preferable to walking.[3] As such, the best that can probably be expected is that BART passengers will access the site by walking only if that trip is associated with a location near the center of the site or closer, with respect to the BART station. In instances where the trip is associated with points farther south within the site, a shuttle service to and from the BART station, could be beneficial in the goal to maximize BART ridership and to reduce the number of vehicular trips entering and exiting the site on Coleman Avenue. Therefore, such a shuttle may be included in the proposed project.

Comment H9: The DEIR states that the project would result in a significant loss of Burrowing Owl habitat. It further states that the loss of habitat resulting from the project is lessened by the existence of Burrowing Owl habitat at the San Jose Airport, in immediate proximity to the project site. This statement is in contrast to the biological report prepared by David Plumpton, of H.T. Harvey and Associates, dated May 23, 2000, in Appendix E. The DEIR finds that the project would result in a Significant Unavoidable Cumulative Impact. Based on all the information presented in the DEIR, it may be asserted that the project would result in a Significant Avoidable Cumulative Impact due to the failure to preserve open space for Burrowing Owl habitat in the site design of the project. The DEIR inadequately addresses site design to reduce impacts to Burrowing Owl habitat through preservation of open space for foraging and nesting on-site. The DEIR fails to provide a project alternative that examines the feasibility and impacts of increased building heights, smaller building footprints, subgrade parking to reduce loss and preservation of open space for of Burrowing Owl habitat.

Response H9: As stated on page 92 of the DEIR, the project site is part of a larger complex of occupied owl habitat that includes the NYMSJIA, located to the east of the site. Redevelopment of the project site would result in the loss of approximately seven acres of Burrowing Owl nesting and foraging habitat, which is a significant

[3] Transit-oriented Development and Joint Development in the United States: A Literature Review, Transportation Research Board, October 2002, Number 52, page 41.

unmitigated impact, since mitigation is not proposed to reduce this impact to a less than significant level.

On page 120 of the cumulative impact section of the DEIR, it is stated that the significance of the loss of Burrowing Owl habitat is lessened *somewhat* by the proximity of NYMSJIA, where Burrowing Owl habitat is located, since these lands are anticipated to remain habitat in perpetuity; however, the cumulative loss of owl habitat would remain significant. Mr. Dave Plumpton's letter of May 23, 2000 states that "Given the loss of available habitat in the vicinity of the airport, and in the City of San Jose as a whole, the FMC property is believed to be important to Burrowing Owl productivity." This does not conflict with the statement in the DEIR, which factually states that existing Burrowing Owl habitat on the airport property is expected to be protected and actively managed in perpetuity.

During the preparation of the DEIR, the City did evaluate potential alternatives to the project as proposed. The range of potential alternatives was limited due to site specific constraints that include the following: 1) the site's proximity to the airport limits building heights; and 2) the presence of high groundwater and hazardous materials make the construction of subgrade parking impractical. These conditions notwithstanding, a Reduced Scale Alternative was determined to be feasible and was evaluated in the DEIR.

The Reduced Scale Alternative, presented in the DEIR on page 127, would consist of developing approximately 1.8 million square feet of R&D/Commercial uses on the 92.5 acre site. As required by CEQA, this section discusses the potential for the proposed alternative to reduce the significant impacts of the project. It is stated that under this alternative, Burrowing Owl habitat could be preserved and impacts to Burrowing Owls could be avoided. A reduced size project with structured parking would allow for the preservations of seven acres of habitat on the site. Therefore, this alternative would have fewer biological impacts when compared to the proposed project.

Comment H10: As stated in the DEIR, the project may result in the loss of up to 127 ordinance size trees. The proposed mitigation is to replace ordinance size trees that are lost, damaged or cannot be incorporated into the site and landscape design. Mitigation includes replacement at a 2:1 ratio for 12"- 17" size trees and 4:1 ratio for trees 18" or greater in diameter. The proposal includes 24" box replacement size trees to mitigate the loss of mature trees. The proposed mitigation of 24" box trees appears inadequate for the replacement of mature trees in excess of 18' in diameter. Mitigation should consider replacement of trees in excess of 18" in diameter with 48" box trees for fuller canopy cover, replacement habitat for bird and animal species, aesthetic design and reduction in surface heat island effects.

Response H10: The comment correctly states the required mitigation that will be implemented on the project site due to the significant loss of trees on the site. While larger trees provide fuller canopy cover, they can take longer to establish when compared to 24-inch box specimen trees. These smaller trees have smaller, more immature root balls that accept native soils better than larger roots. Over time, the City has found that better tree growth is realized

when using 24 rather than 48 inch specimens.[4] In addition, the project proposes to preserve and maintain the five largest coast live oak trees on site.

Comment H11: The DEIR does not identify tree preservation measures in the mitigation section to protect mature/ordinance size trees from damage or loss. The DEIR should specify mitigation and avoidance measures that prevent damage or loss to individual trees during the construction phases of development and include the requirement of a Tree Preservation and Protection Plan that identifies all the trees to be removed, relocated and preserved within the project boundaries.

Response H11: As stated on page 95 of the DEIR, mitigation measures are included in the project to avoid impacts to mature trees during construction. Tree protection measures, including installation of temporary construction fencing or barricades, root pruning of exposed roots, and on-site inspections by the arborist during construction, will reduce impacts to mature trees. Prior to the commencement of site grading, a certified arborist will perform a tree survey to accurately identify the location and condition of trees that require protection from impacts due to grade changes, compaction, trenching or changes in water regime (irrigation).

Comment H12: The DEIR discusses the proposal to rezone the project site from HI to PD to allow redevelopment and new construction of up to three million square feet of office/R&D development and an undetermined amount of hotel, retail, and commercial uses. The DEIR also states that the proposed development shall conform to the development standards specified on the General Development Plan and permitted uses associated with the CP and IP zoning districts, outlined in Appendix H. The Development Plan and CP and IP uses would allow vehicle maintenance activities and commercial parking facilities in proximity to existing and future, local and regional commuter rail and bus service. The project site is located within the vicinity of the Santa Clara historic train depot that serves Caltrain, ACE and Capitol commuter rail service, and links with VTA bus service and employer shuttle service to Silicon Valley industries. This site is also adjacent to the future BART route alignment and terminal station, and Airport People-Mover. The proposed project would not allow residential uses.

Response H12: The comment correctly states the information included in the DEIR. It should be mentioned however, that the vehicle maintenance activities allowed on the site would only be those associated with car rental facilities, as stated on Exhibit C: Land Use Plan and Development Standards, Appendix H of the DEIR.

Comment H13: As stated in the City's response to the NOP for this project, the proposal is sited and designed as a traditional office park development surrounded by surface parking. The project is primarily airport serving in function and layout and is not supportive of transit-oriented development. Car rental services and parking do not serve to reduce vehicle trips and auto traffic, nor does it promote the use of transit alternatives, pedestrian activity or bicycle use. The alternative section of the DEIR is inadequate in that it fails to explore, identify and elaborate on project alternatives that are transit-oriented that provide a mixture of commercial, residential and office related uses to promote pedestrian activity and reduce vehicle trips, traffic impacts and air-quality impacts of development.

[4] Ralph Mize, City Arborist, telephone communication, 6/16/03.

Response H13: The City agrees with this comment in that it recognizes the importance of the project site due to its relatively large size, proximity to the airport, and proximity to major transit facilities. In such situations, the City's policy is to encourage and promote development densities that are higher than would otherwise be permitted. Specifically, the three million square feet of proposed development for this project is higher than would otherwise be proposed on a site that is not located near major transit facilities.

As stated in previous responses, the proposed project includes the reservation of land for the future construction of BART facilities. In addition, while the proposed project would not include access to the existing Caltrain facility, it would not preclude the future construction of such an access.

As required by CEQA, the alternative section of the DEIR describes a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. The proposed project, as well as the reduced scale alternative, can be considered to be transit-oriented, given that bus stops are located along Coleman Avenue and indirect pedestrian and bicycle access to the existing Caltrain and future BART stations will be provided via the roadway proposed for along the western boundary of the site with an eventual connection to Brokaw Road.

When compared to the existing condition, the proposed project and the alternatives that include development of the project site would improve transit possibilities for the project area. Residential uses are not proposed as part of the project, nor are they presented in any of the alternatives due to the hazardous materials conditions on the site, which is encumbered by deed restrictions, as described on page 104 of the DEIR.

Comment H14: The DEIR is inadequate in that it fails to identify alternatives to the proliferation of surplus parking and liberal parking ratios given the proximity to local and regional transit connections. A mixed use alternative that includes jobs, housing, pedestrian links, bicycle lanes and street connectivity to the future BART station and street network should be examined for associated impacts and feasibility. If the goal, as stated in the DEIR, of the project is to be pedestrian serving and support the policies of the City's General Plan to bring jobs and housing together for in-fill development, then an alternative to the project as proposed should include a mix of uses that are transit supportive in design and function.

Response H14: Neither the project nor the alternatives presented in the EIR (page 123) include residential uses due to the encumbrance of the site by deed restrictions and the current General Plan land use designation for the site. Therefore, a mixed use alternative that includes residential uses is not a feasible alternative for the site.

Comment H15: As evidenced from the above comments, there are some inaccuracies and inadequacies that require comment and elaboration to accurately inform the public and decision-makers of project related impacts posed by the proposed development on the FMC site. We look forward to receiving the FEIR for review and will continue to maintain an open dialogue concerning planning related activities surrounding the project area. Thank you for the opportunity to comment.

Should you have any questions, please contact Debby Fernandez, Assistant Planner, or myself at 408-615-2450, or via e-mail at Planning@ci.santa-clara.ca.us.

Response H15: This First Amendment to the Draft EIR addresses all comments received on the Draft EIR and will be re-circulated back to the agencies that commented on the DEIR.

I. LETTER FROM THE CALIFORNIA DEPARTMENT OF TRANSPORTATION, DATED JUNE 2, 2003.

Comment I1: The DEIR page 50 and Appendix B page 53, lists 16 freeway segments at 20 locations that will operate below acceptable conditions Level of Service (LOS) F with the project. Table 13 of Appendix B lists 27 locations that will operate at LOS F. Please clarify this discrepancy.

Response I1: The following freeway segments were analyzed in the Transportation Impact Analysis, as shown in Table 13 of Appendix B. These segments were disclosed as a project impact, but were inadvertently left off the summary list of freeway segments in the DEIR on page 50. These freeway segments are now included in Section IV. Text Revisions of this First Amendment to the Draft EIR, as well as to the Transportation Impact Analysis itself on page 53.

US 101, McKee Rd. to Old Oakland Rd.	Northbound direction during the AM peak hour
US 101, Old Oakland Road to I-880	Northbound direction during the AM peak hour Southbound direction during the PM peak hour
I-280, Winchester Blvd. to Saratoga Ave.	Westbound direction during the AM peak hour Eastbound direction during the AM peak hour
I-880, SR 87 to N. First St.	Northbound direction during AM peak hour
I-880, Great Mall Pkwy. to SR 237	Northbound direction during PM peak hour

Comment I2: Pages 45, 46, 48, 119, 120, and Table 4 of the DEIR states "...intersections are expected to operate at an acceptable level of service, with the exception of..." The acceptable LOS is not consistent. The listed intersections should be consistent in both description and operation throughout the report.

Response I2: The intersections identified on the pages noted in this comment are City of San Jose or City of Santa Clara intersections, and some of the intersections within these jurisdictions are Congestion Management Program (CMP) intersections. Therefore, the performance of these intersections during the project conditions is determined using different criteria. As stated on page 36 of the DEIR, the performance criteria upon which the intersections were evaluated was level of service D or better for City of San Jose and City of Santa Clara local intersections and level of service E or better for CMP intersections within those jurisdictions.

Comment I3: Analysis of on-ramps and off-ramps should be completed for the freeway segments that will be significantly impacted by the proposed project to determine the effect that ramp operations will have on the freeway system. Any queuing on the freeway caused by the additional trips generated from the proposed project should be mitigated.

Response I3: An analysis of on-ramp and off-ramp operations was conducted as part of the recently-approved I-880/Coleman Avenue interchange improvement project. This analysis assumed buildout of the project site. As previously described, the FMC property owners are providing lands for the widening of Coleman Avenue to accommodate projected queuing from the southbound on-ramp to I-880.

Comment I4: Project completion (2005) was utilized as the base year in the trip generation analysis. Additional forecasting should be completed for 2025.

Response I4: This is a project-level EIR that analyzes the effect of the project in the horizon year of 2005, which is the projected year of its completion. This approach is that which is specified by both the City of San Jose and CMP Traffic Impact Analysis (TIA) Guidelines.

Comment I5: Please clarify trip generation rates from Table 10 for General Office land use. The DEIR references trip generation from the Institute of Transportation Engineers (ITE). Using 1.5 million square feet, clarification is necessary to justify an AM peak hour rate 40% less than the ITE rate and a PM peak hour rate that is 23% less than the ITE rate.

Response I5: For the proposed project, the calculation of trip generation rates used the ITE fitted curve equation is used Ln(T) = 0.797 Ln(X) + 1.558 - AM Peak and T = 1.121 (X) + 79.295 – PM Peak) rather than City of San Jose trip generation rates because it is more accurate for such large scale projects.

Comment I6: Please provide justification for the trip generation credit used in the analysis. How is 800,000 square feet of Research and Development use equivalent to the combination of 900,000 square feet of existing vacated Manufacturing use, and 300,000 square feet of vacated Research and Development use, as full re-occupancy of these existing buildings may not occur?

Response I6: Prior to preparation of the traffic report for the project, the City of San Jose granted a trip credit for the existing 1.2 million square feet of general manufacturing buildings at the FMC site. The trips generated by 1.2 million square feet of General Manufacturing uses are approximately equivalent to the peak hour trip generation of 800,000 square feet of R&D uses. As stated on pages 34 and 47 of the DEIR, the existing buildings on the site, most of which are less than 50 years old and were used for manufacturing and fabrication, could be occupied without the issuance of discretionary entitlements. Therefore, in calculating the impacts from the proposed development, the estimated traffic from existing buildings was subtracted from the total project traffic.

Comment I7: For the proposed project as well as for all the cumulative pending projects described in DEIR Table 14 (page 119), an equitable cost of traffic mitigation for the proposed project, as well as for the pending projects, should be determined and the project proponent should take full responsibility for providing the equitable cost of mitigation. Appendix D, "Table 16" an "Immediate Implementation Action List" which is directed by the proposed "Countywide Deficiency Plan" (CDP) has been presented. Clarify the actions listed in Table 16 (B) "Public Transit", for example

what is the specific shuttle plan, (F) "Traffic Flow Improvements", the Department requests that you clarify these improvements along with the cost and schedule for implementation.

Response I7: The "Immediate Actions" listed in Appendix D of the May 1998 CMP Guidelines are included in the traffic report for the DEIR (Appendix B). Measures recommended include bike facilities (lockers and racks), improved pedestrian facilities (sidewalks), High Occupancy Vehicle (HOV) parking preferences, and transportation demand management (TDM) programs. A Master TDM program will be implemented by the proposed developer, as determined by the City of San Jose. The applicant will periodically inform the City of the status of the program, as described on page 58 of the DEIR. Specific information, including the cost and schedule for implementing public transit and traffic flow improvements will be determined as specific development is proposed for the project site.

Comment I8: The CDP has not been adopted at this time. The Department understands that until the CDP can be completed and adopted the project proponent is acting according to the "Santa Clara Valley Transportation Authority Traffic Impact Analysis Guidelines" to formulate an "Immediate Implementation Action List" for mitigation of impacts to the highway system.

Response I9: The information in this comment is correct and noted.

Comment I9: As mentioned in the DEIR page 119, the Interstate-880/Coleman interchange (I/C) improvement project is currently being constructed. The Department will require the lead agency and the FMC Coleman PD Rezoning project proponent to calculate their fair share of the I-880/Coleman I/C project cost, and to contribute that amount towards the improvement of this I-880/Coleman I/C. This same methodology should be used for all the interchanges along the freeway segments delineated in DEIR page 50, 51 and in Appendix B page 53 and Table 13 (Appendix B).

Response I9: As previously stated in these responses to comments, as part of the I-880/Coleman Interchange Improvement Project, the property owners are providing the necessary right-of-way for the I-880/Coleman Avenue Interchange Improvement Project. As stated on page 54 of the DEIR, mitigation for freeway impacts would require adding lanes to freeways, which is not practical for one development to implement. Since the County-wide Deficiency Plan is not yet adopted, the "Immediate Actions" described in the May 1998 CMP Guidelines are recommended. These immediate actions include TDM measures, which will be implemented as part of the proposed project. Additional actions will be determined by the City of San Jose as specific development for the project site is proposed. It should be noted that even with the implementation of "Immediate Actions", the proposed project would result in significant unavoidable impacts to freeway segments.

Comment I10: The Department requests to meet with the City of San Jose (lead agency) and the project proponent to formulate an agreement for fair share mitigation for the substantial impacts that this project will have on the highway system. It is quite evident that even with the implementation of the mitigation measures, the project will result in significant unavoidable impacts to the highway system. Contact Tom Holley at (510) 622-8706 to arrange the requested meeting.

Response I10: This comment does not acknowledge the fact that the project applicants are substantially contributing to the I-880/Coleman Avenue Interchange Improvement Project by providing much of the right-of-way required for that project. The applicants' contribution has been coordinated with Caltrans (Project Development,

Santa Clara Branch), the City of San Jose, and VTA. The details of this contribution are part of the Cooperation Agreement that is referenced on page 27 of the Draft EIR.

J. LETTER FROM THE VALLEY TRANSPORTATION AGENCY, DATED JUNE 2, 2003.

Comment J1: BART Extension: VTA recommends that the rezoned land be developed to support the proposed BART project. This includes locating as many jobs as possible within walking distance of, and providing access to, the station. In addition, VTA would like to see the flexibility of the City of San Jose to maximize the density of the site for future developments. The City of San Jose should refer to Appendix D of VTA's *Community Design & Transportation Manual of Best Practices for Integrating Transportation and Land Use* for recommended densities at regional rail stations.

Response J1: The proposed project includes the reservation of land for future BART facilities. As currently proposed, the project would be developed in a fairly uniform density across the site; however, indirect access will be provided to the existing Caltrain/future BART stations, as described in Responses J7 and H8.

Comment J2: Shuttle Service: The City of San Jose should require that shuttle service be provided by the developer or site management. The proposed site is near major transit stations. It is in close proximity to the Santa Clara Caltrain Station, ACE service, Capitol Corridor service, and the planned BART station and the NYMSJIA Automated People Mover (APM) connection. The proposed site layout would be very well served by a well-designed shuttle service, and could substantially reduce the vehicle trips generated by this project, both during the peak periods and midday.

Response J2: Please refer to Responses H8 and J8. The proposed project may provide shuttle service once access to the Caltrain/BART stations is constructed.

Comment J3: On-Site Services: The development should include on-site business-related retail services such as restaurants, postal services, and stores. The service would reduce the number of site-occupant vehicle trips entering and exiting the project. In addition, these retail uses allow employees who choose to take transit to work to have services available to them during the workday.

Response J3: Please refer to Responses D2 and H13. The project will include a mix of employee-serving commercial uses.

Comment J4: Street Design: The City of San Jose should design the streets to be consistent with planning efforts in the area, including the Santa Clara Countywide Bicycle Plan Cross County Corridors, the BART extension, and VTA's *Community Design, & Transportation Manual of Best Practices for Integrating Transportation and Land Use.* Internal and perimeter streets should have bike lanes, provide for shuttle service, and have a good pedestrian environment. It should also be planned in coordination with the City of Santa Clara as a connection to the future BART station and future pedestrian crossing between the BART and Caltrain stations.

Response J4: The public and private streets to be constructed as part of the project will be designed to be consistent with planning efforts in the area, as described in this comment. Please refer to Responses J10, J17, J18, J19, and J25 for specific responses to this comment.

Comment J5: Parking: VTA recommends the parking ratio be reduced to avoid the amount of surface area dedicated to parking (9,600 parking spaces). If the amount of spaces cannot be reduced, the City of San Jose should require "land-banking" the parcel, area where a minimum of 10% of the proposed parking be designated as a landscaped preserve to be paved on an as-needed basis.

Response J5: Please refer to Response D4. The parking required on the site can be reduced by up to 25% from that which is described in the "Project Description" chapter of the DEIR given the site's transit-oriented location, per the City of San Jose's Zoning Ordinance.

Comment J6: Please summarize how VTA's comments on the Administrative Draft Transportation Impact Analysis in a letter dated June 14, 2002 have been incorporated into the Draft Environmental Impact Report (DEIR).

Response J6: The comments received from the VTA on June 14, 2002, were incorporated into the Final Transportation Impact Analysis (TIA) for the project (January 2003), which was used for the preparation of the DEIR. However, the version of the TIA that circulated with the DEIR was not the most recent version and the changes that were made are included in the Text Revisions section of this First Amendment to the Draft EIR. None of the text revisions change any of the conclusions of the DEIR. A summary of how VTA's comments were incorporated into the TIA and subsequently into the DEIR is provided in Appendix A of this document.

Comment J7: The Santa Clara BART station is proposed to be located on the north side of the Union Pacific Railroad right-of-way, centered on Brokaw Road, with a pedestrian connection between the BART and Caltrain stations. The maintenance and storage facility would be located in the eastern portion of the UPRR Newhall Yard in Santa Clara and adjacent to the FMC Coleman Avenue Planned Development Rezoning Project. VTA recommends that the rezoned land be developed to support the proposed BART project by locating as many jobs as possible within walking distance and providing convenient access to the station, as well as maximizing density for future developments.

The environmental process for the BART Extension is currently under way, with the preparation of an Environmental Impact Statement/Environmental Impact Report (EIS/EIR). A Draft EIS/EIR is expected to be released in Summer 2003, with final approval of the document targeted for Spring 2004.

Response J7: The proposed project includes the reservation of land for the future construction of BART facilities in the western portion of the site. As stated previously, the project site will have indirect access to the future BART and existing Caltrain facilities by way of a project roadway along the western boundary of the site and a future connection to Brokaw Road, which is not proposed as part of the project. Access to the future and existing stations will be provided by the proposed roadway, which will have sidewalks that connect to the project site.

The development of the site is conceptual at this point; however, the three million square feet will be developed over the project site in a fairly uniform density. Please refer to the Response to Comment H8 for more information. The relatively high density of project development is proposed in order to take advantage of the site's orientation to transit opportunities.

Comment J8: The size and density of this project will make it a trip destination. Studies have shown that shuttle services are highly successful at developments such as this. Therefore, VTA staff recommends that a shuttle service be provided as a mitigation measure to mitigate the regional traffic impacts associated with this project, and that the project be conditioned to include a shuttle service. VTA recommends that the shuttle service be a permanent service for this site, regardless of ownership changes. This may include a Business Improvement District to provide the shuttle service in perpetuity. The shuttle service should provide stops at the various buildings of the development and run to the nearby transit station that includes the existing Caltrain and ACE as well as the future BART and Automated People Mover (APD).

Response J8: As stated in the Response to Comment H8, a shuttle may be included in the project between the various buildings of the development and the access point to the Caltrain and BART stations, once the site and the access point are developed. The mechanism by which it is operated would be determined by the City of San Jose Public Works Department.

Comment J9: VTA staff strongly recommends that the project provide walk-accessible, on-site services to reduce the number of single-occupant vehicle trips generated by the project. Employment Service retail such as this is a very small trip generator, with most of them being linked trips. The services should be business related to serve the employees of the site. On-site and walk-accessible employee services include:

• Restaurants,	• Banking,
• Day-care,	• Postal,
• Dry-cleaning,	• Book shops, and
• Fitness,	• Convenience stores

Response J9: As stated on page 1 of the DEIR, the project includes commercial uses permitted by the *CP Commercial Pedestrian District* of the San Jose Zoning Ordinance. The *CP District* is a district intended to support pedestrian-oriented retail activity. The types of employment service retail uses described in the comment would be allowed within the CP District and are expected to be constructed as part of the proposed project.

Comment J10: VTA staff recommends that the City of San Jose consider a policy objective to explore joint development opportunities with the City of Santa Clara in relation to:

- Connectivity of street pattern, and bike/pedestrian facilities (refer to Chapter 5, page 15 of VTA's *Community Design and Transportation Manual*)
- Location, type, and intensity of land uses (including parking) complementary with the City of Santa Clara

Advanced planning should be done at this time, rather than later, so as not to preclude street connectivity and pedestrian/bicycle access between the Cities of San Jose and Santa Clara, across the railroad tracks. VTA staff recommends that the project be conditioned to require the project applicant to participate in the planning of the future BART station so that when the design of the BART station is developed, the FMC site can be re-designed to provide the most efficient and direct street network to facilitate pedestrian and bicycle access directly to the Pedestrian Over-Crossing and the new BART station.

Response J10: Construction of the proposed project will not preclude street connectivity and pedestrian/bicycle access between the Cities of San Jose and Santa Clara and the City of Santa Clara will be kept apprised of all development proposals. As previously mentioned, the project will include a roadway along the western boundary of the site to provide access to a future roadway within Santa Clara that will ultimately connect to Brokaw Road and the future access to BART.

The completion dates for both the project site and the new BART station are not known at this time, yet it is anticipated that the project may develop before the BART station is constructed. Therefore, it will not be possible to "re-design" the project after the station is constructed. Again, specific development for the site has not been designed; however, its design will take into account the construction of the future BART station and potential pedestrian and bicycle connections to the site.

Comment J11: The DEIR shows a parking ratio of 3.2 spaces per 1,000 square feet of industrial space. This ratio seems excessive. VTA recommends that the parking ratio be reduced to at least 3.0 - 2.5, but 2.0 is preferred. If the 9,600 parking spaces can't be reduced, VTA staff strongly suggests that the project applicant create a Land Banking Program where a minimum of 10% of the proposed parking be designated as a landscaped preserve to be paved as parking on an as-needed basis.

Response J11: As stated in Response D4, a 25% reduction of the City of San Jose's minimum off-street parking requirements will be permitted as set forth in the Zoning Ordinance. This reduction is permitted in view of the site's proximity to the Caltrain and future BART stations.

Comment J12: The DEIR mentions that the project proposes to provide about 9,600 parking spaces on-site in either surface parking lots or garages. VTA's July 1, 2002 City of San Jose comment letter on the Notice of Preparation for an EIR for the project recommended containing such parking in parking structures rather than in surface parking spaces. Providing 9,600 spaces in surface lots would create immense barriers between pedestrians and bicyclists and the various on-site and off-site structures as well as the available variety of transportation options.

Response J12: The parking to be provided could be constructed in parking garages as stated on page 8 of the DEIR. The specific types of parking to be constructed will be determined at the PD permit stage, as specific development proposals come forward.

Comment J13: In order to minimize or eliminate surface lots, VTA staff recommends structured parking and on-street parking on internal circulators roads and/or very small sized lots with few parking spaces dedicated for specific uses (e.g, short-term visitor, delivery, pickup/drop-off, etc.). Parking structures should be mixed-use, with ground floor retail and office space or residential units above.

Response J13: Mixed-use parking structures would be allowed within the proposed PD Rezoning. As stated previously, the specific types of parking to be constructed will be determined at the PD Permit stage of the project. No residential development is proposed.

Comment J14: With as much as 3 million square feet of proposed employment development, this project would further skew the already-unbalanced jobs-housing ratio in this area. VTA strongly encourages the project to consider adding a housing component to achieve a better jobs-housing balance and as a potential offset to the trips generated by the employment portion. This latter goal might be achieved by making the new housing available to employees of the project only.

VTA staff realizes that a General Plan Amendment is necessary in order to add a residential component to the site. However, due to the fact that this site is located adjacent to an existing Caltrain and ACE station, that is planned to be the site of the future BART and APM station also, residential uses should be included as part of the project not only to provide a strong rider-ship base for the existing and proposed transit facilities, but also to provide a strong customer base for the proposed retail uses on the site. The residential component should provide, at a minimum, live-work lofts, located along the San Jose/Santa Clara border closest to the Santa Clara Caltrain/BART Station to the southwest of the 60dB CNEL contour.

Response J14: As stated in the City of San Jose 2020 General Plan, the City currently houses many more employed residents than it has jobs, therefore, its existing jobs/housing balance is poor. This, in turn, makes it difficult to provide adequate urban services for its residents since residential use by itself does not generate sufficient revenues to cover service needs. The City of San Jose's Economic Development Major Strategy of the 2020 General Plan is to make San Jose a more "balanced community" by encouraging more commercial and industrial growth to balance existing residential development, by creating an equitable distribution of job centers and residential area, and by controlling the timing of development. By providing approximately three million square feet of office/R&D uses, the proposed project would measurably improve the City's jobs/housing balance.

As previously mentioned in Response H14, residential uses are not included in the project due to the encumbrance of the site by deed restrictions due to hazardous materials contamination. In addition, residential land uses would not be consistent with the General Plan land use designation for the site.

Comment J15: The chosen street network and building configuration create a solid foundation for a pedestrian-friendly area, and VTA supports this design. To further provide a pedestrian-friendly, permeable site, the buildings along Coleman should be designed with entrances and connecting pedestrian pathways accessible from both Coleman Avenue and the new public street parallel to Coleman Avenue.

Response J15: While specific site design has not yet been developed, it is anticipated that the buildings along Coleman Avenue will be accessible from both Coleman Avenue and the new public streets.

Comment J16: The project should also be commended for providing generous amounts of landscaping, especially as it fulfills water quality goals. However, VTA suggests that the landscaping is not currently placed in optimal locations. For instance, Coleman Avenue is an urban street with buildings close by, where wide sidewalks and an urban street-building interface are appropriate. But the conceptual cross-section shown in Figure 7 shows a 37-foot landscaping area between the buildings and the sidewalk, with trees that seem to purposefully conceal the buildings. Newhall and the other public streets appear to have received similar treatment.

VTA strongly recommends that the landscaping be removed from the current locations mentioned above, particularly at the intersections of Coleman and the new public streets. These intersections warrant gateway treatments to reinforce the project's urban identity. To replace the lost landscaping, more pocket parks and small green spaces could be scattered throughout the project, including in areas currently designated for surface parking. The City could also create a landscaped land-banking provision in which a percentage of land reserved for parking is not actually built, but rather, only landscaped, to be built in the future if proved necessary.

Response J16: The street sections provided on Figure 7 are conceptual in nature, and specific street and landscape designs will be determined at the PD Permit stage of the proposed project, consistent with the City's adopted design guidelines. Figure 4 of the DEIR shows three landscaped areas along the internal public and private streets that could be considered "pocket parks". Land-banking of landscaped areas could be achieved during the phased development of the project site.

Comment J17: VTA staff recommends that the City of San Jose and the FMC developer work with the City of Santa Clara in order to provide connectivity between Brokaw Road and Newhall Street between the two cities.

Response J17: As stated in Response J25, the project will construct a roadway along the entire western boundary of the project site. This roadway would provide access to a future roadway to be constructed from the project site to Brokaw Road. The construction of this connection is, however, not part of the proposed project. The City of San Jose is willing to work with the City of Santa Clara to ensure the provision of suitable access from the project site to Brokaw Road.

Comment J18: In the street cross sections shown in the EIR, striping is not specified, rendering it difficult to discern the width of individual travel lanes. Travel lanes should be no more than 11-feet, and turn lanes should be no more than 10-feet so as to encourage slow traffic speeds and provide a pedestrian-friendly environment, as well as to allow for bicycle lanes.

Response J18: Street widths shown on Figure 7 are conceptual in nature. Travel lane widths are to be determined per the City of San Jose's requirements with pedestrian and bicycle safety to be taken into account.

Comment J19: Street cross-sections show either unspecified sidewalk widths or six-foot widths. For an area with as much development as is proposed here, VTA recommends that sidewalk widths be at least 10 feet throughout the project, especially where ground-floor retail or hotel exists.

VTA staff recommends that the City condition the developer to provide sidewalks along the entire project frontage in order to provide convenient access to nearby transit service.

Response J18: Sidewalk widths can be seen on Figure 7 and range from eight to ten feet, depending upon the street. The VTA's recommendations are noted and 10-foot wide sidewalks are proposed along the entire project frontage on Coleman Avenue, Newhall Street, and other new public streets included within the project.

Comment J20: Lastly, the new street parallel to Coleman Avenue, between Coleman Avenue and the proposed Newhall Connection, does not appear to be shown in cross-section. This street could serve as a major pedestrian circulation route throughout the project and provide a cohesive visual identity for the buildings along the street. VTA recommends that this street be designed with narrow travel lanes, angled or parallel street parking rather than perpendicular parking, pedestrian amenities such as street trees, special paving for pedestrian crossings, and mid-block pedestrian crossings aligned with building entrances.

Response J20: The internal private street between Coleman Avenue and Newhall Street has not yet been designed. The Master Site Plan shown in the DEIR (page 7) is conceptual in nature and the street will be designed per the City of San Jose's requirements for public streets. VTA recommendations for street design will be taken into account during the design of the streets.

Comment J21: Any intersections constructed or modified as a result of this project should consider the pedestrian impacts of the designs. Diagrams for proposed intersection mitigations are shown on pages 55, 56, and 57, but no other intersection diagrams are included, rendering the designs for the new proposed intersections unclear.

Response J21: All project intersections will be designed in accordance with the City of San Jose's requirement for public streets, taking into account pedestrian access and circulation.

Comment J22: The proposed intersection mitigation diagrams show very wide intersections, some including channelized right-turn lanes. VTA recommends providing median pedestrian refuge islands instead, since the intersections include multiple lane crossings. Channelized right-turn lanes encourage high-speed vehicle turns, degrading the environment for pedestrians. VTA discourages this design. The curb return radii of the corners are not labeled but appear excessively large. Curb radii should be minimized to discourage high-speed vehicle turns and reduce crossing distances for pedestrians.

Response J22: Currently, there is not enough space to provide a refuge island within the available right-of-way of Coleman Avenue. When the City of San Jose widens Coleman Avenue to six lanes, a refuge island for pedestrians may be provided. Channelized right-turn lanes are not proposed by the project and the concerns of the VTA will be taken into account during specific intersection design.

Comment J23: In order to reduce the number of single occupant vehicle trips generated by the project, VTA requests the city to require implementation of a comprehensive transportation demand management (TDM) program as a condition of approval or mitigation measure. Effective TDM programs include:

- City-carshare
- Parking Cash-Out
- Direct or Indirect Payments for Taking Alternate Modes
- Transit Fare Incentives such as Eco Pass and Commuter Checks
- Employee Carpool Matching
- Vanpool Program
- Preferentially Located Carpool Parking

- Bicycle Lockers and Bicycle Racks
- Showers and Clothes Lockers for Bicycle Commuters
- Guaranteed Ride Home Program

The DEIR indicates that an aggressive transportation demand management program will be implemented with the project. VTA strongly supports this program, but suggests using a powerful TDM tool that appears to have been omitted: charging people for parking. It is particularly feasible to implement parking charges in this somewhat isolated area, where the potential for spillover parking is low and the availability of nearby transportation alternatives is high.

Response J23: As stated in the DEIR, the project will implement a TDM program. Paid parking will not, however, be included in that program since it would place the site in an economically disadvantaged position in relation to similar sites throughout the County. Although studies have shown that paid parking can be a strong incentive for people to switch to public transit, such programs work best when applied equally to all similar uses in a geographical area so as to not place individual sites at an economic disadvantage.

Comment J24: VTA also recommends providing preferentially located electric vehicle parking with charging stations. Providing charging stations for these vehicles at work and shopping locations allows for more frequent and convenient use of these clean air vehicles.

Response J24: Electric vehicle charging stations will be considered as development occurs, taking into account the likely demand for such facilities. The CARB recently scaled back its requirements for electric vehicles in California in favor of hybrid and fuel cell technologies. This decision is likely to have the effect of fewer electric vehicles in use than that which was anticipated several years ago.

Comment J25: The proposed project should include a bicycle/pedestrian over-crossing (or under-crossing) of the Union Pacific Railroad Tracks, in order to provide convenient and safe access for FMC site patrons, visitors and employees (1) to the Caltrain station as soon as the FMC project is completed and (2) to the BART station when the BART extension is completed in the future. The mere presence of the over-crossing will re-affirm/maintain the use of alternative modes by FMC site patrons, visitors and employees, who would otherwise be forced to take long or illegal and unsafe detours to get between the transit station and the FMC site. Due to the fact that this development will bring approximately 3 million square feet of development to this site, the FMC developer should be conditioned to contribute a significant amount of the cost of the over- or under-crossing.

Response J25: The proposed project does not include the construction of a pedestrian over- or under-crossing to the existing Caltrain Station/future BART station. However, the project will provide a roadway along the western boundary of the site to allow access from the site via a future roadway in Santa Clara, to Brokaw Road. Sidewalks and bike lanes will be provided along internal streets and Coleman Road to facilitate the use of the future access to the Caltrain/BART station by pedestrians and bicyclists.

It should be noted that, as previously described, the project is contributing land towards the construction of the I-880/Coleman Avenue Interchange Improvement Project and reserving approximately seven acres of land for the

possible, future construction of BART facilities in the western portion of the site.

Comment J26: VTA staff requested in a letter dated June 14, 2002 that the text stating, "the Santa Clara County Bikeways Map designates no bicycle routes along Coleman Avenue near the site" was incorrect. Coleman Avenue is on the Cross County Bicycle Corridor network (in the Santa Clara Countywide Bicycle Plan). Bike Lanes should be included on Coleman Avenue as part of the project between Airport Boulevard and Brokaw Road, at a minimum. The DEIR does not reflect any correction to the Administrative Draft TIA with regards to the Coleman Avenue "bicycle route". Please revise the DEIR and TIA to show corrections.

Response J26: Please refer to the Text Revisions contained in Section IV., of this First Amendment to the Draft EIR.

Comment J27: The Cross County Bicycle Corridors were adopted as part of the Santa Clara Countywide Bicycle Plan (2000). The Cross County Bicycle Corridors forms a 347-mile network of routes where the implementation of bikeways is top priority. It is a planning tool. It also maps out the locations of critical gaps.

There are several streets/routes within a 1/2-mile radius of the project boundaries that are designated as Cross-County County Bicycle Corridors. Specifically they are:

- Coleman Avenue, between W. Brokaw Road and Airport Boulevard.
- W. Brokaw Road, between Coleman and Railroad Avenue.
- A bicycle-pedestrian over-crossing (or under-crossing) along the axis of W. Brokaw Road to cross the train tracks is also included as a major gap in the Cross County Bicycle Corridors that needs to be addressed.
- Hedding Street, between Winchester and 17th Street.

These bicycle routes serve the project, and in turn, are impacted by the project. Bicycle facilities and bicycle-friendly roadway geometrics should be included on these routes. At minimum, the project roadway changes should not worsen conditions for bicyclists on these routes.

Response J27: The proposed project includes improvements to Coleman Avenue, including the provision of bike lanes, as described in this comment. The proposed project would not significantly impact bicycle facilities in the project vicinity, including the other facilities described in this comment.

Comment J28: In order to make bicycle access as safe and accommodating as possible, bike lanes should be included on all new and reconstructed streets as part of the project. On Figure 7 (Conceptual Street Sections), there are no bike lanes shown on any of the proposed street cross sections. Bike lanes are feasible by reducing the number lanes and/or width of lanes.

Response J28: The street widths shown on the Conceptual Street Sections (Figure 7) are wide enough to accommodate bike lanes. Bike lanes will be provided along Coleman Avenue, as previously described.

Comment J29: The mitigation measures for three intersections in San Jose should be reconsidered, as they impose hazardous conditions on bicycles as a result of the project.

1) Coleman Avenue/Taylor Street: adding a free-right turn for the southbound approach.
2) Coleman Avenue/Hedding Street: a shared through/right turn lane is proposed for the southbound approach.
3) Coleman Avenue/Aviation Way: two right-turn lanes are proposed for the eastbound approach.

Free right turn lanes put the cyclist at risk of being caught between two lanes of traffic. Shared right/through lanes add confusion for cyclists, who depend on motorists signaling, whether they will go straight or turn right. Double-right turn lanes are hazardous for cyclists who are biking through the intersection, as the bicyclists are forced to merge across two lanes of traffic in order to position themselves correctly. Discussion of these scenarios is covered in the Bicycle Technical Guideline sections D3. 1. 1, D.3.1.2, D3.1.3, and D3.1.4. A copy of the Guidelines may be downloaded from our ftp site at http://www.vta.org/news/vtacmp/Bikes/. Questions regarding the guidelines should be directed to Celia Chung at (408) 321-5725.

Response J29: Currently there are no bike lanes along the Coleman Avenue. The City of San Jose has plans to widen Coleman Avenue south of Hedding Street to six lanes and include a bicycle facility. During the design phase of the intersection improvements, the City of San Jose can modify the geometry of the intersection at Taylor/Coleman and Hedding/Coleman to incorporate the City's plans for its future bicycle facility. At Aviation Avenue/Coleman Avenue, two right-turns are needed to mitigate the traffic impacts at this intersection. Additional measures can be implemented, at the City's discretion, to avoid potential impacts to bicyclists at this location.

Comment J30: VTA considers bicycling to be an important commute mode by itself and in combination with other modes. As such, all VTA buses and light rail cars are equipped with bicycle racks. VTA bus routes operate within the vicinity of the proposed project. VTA recommends that the project include bike lockers and racks, based on VTA's *Bicycle Technical Guidelines*. The bicycle racks should be located in a visible location, within 50 feet of the main public entrances. The *Bicycle Technical Guidelines* provide additional guidance on estimating supply, siting and design for bicycle storage facilities. A copy of the guidelines is available from our ftp site at http://www.vta.org/news/vtacmp/Bikes/.

Response J30: Bicycle racks and lockers will be included as part of the project, as described on page 58 of the DEIR.

Comment J31: On page 46, the EIR should state that a mitigation for a CMP intersection already operating at LOS E or F is required if the addition of project traffic increases the average stopped delay for critical movements by four seconds or more and the critical volume-to-capacity ratio increases by 0.01 or more. This applies only to intersections already at LOS F.

Response J31: Please refer to Text Revisions to the Transportation Impact Analysis, contained in Section IV of this First Amendment to the Draft EIR.

IV. REVISIONS TO THE DRAFT EIR

A. REVISIONS TO THE TEXT OF THE DRAFT EIR

The following section contains revisions to the Draft Environmental Impact Report, FMC/Coleman Avenue Planned Development Rezoning, dated April 2003. Underlining depicts text added, while strikeouts depict text deleted.

Page xvii **Summary, Alternatives, 2.B. Regional Commercial Alternative**

REVISE the first paragraph as shown:

Regional Commercial Alternative: Under this alternative, the entire site would be developed with a regional shopping mall, a group of specialty stores, or an outlet mall. While this type of use would generate more overall traffic trips, these trips would not be as concentrated during the AM or PM peak hours. Therefore, it is difficult to compare traffic conditions with those of the proposed project. While traffic impacts may be less during the week, they would be greater on the weekends, and since trips would be generated regionally, this alternative may have greater impacts to intersections and freeway segments in other jurisdictions.

Pages 13, 35, 39, 48, 50, 54, 120 and Figure 14:

REVISE Aviation Way to be Aviation Avenue.

REVISE Figure 3 (page 4), as shown on the following page.

REVISE Figure 7 (page 12), as shown on the following page.

Page 13 **Section I. C. PROJECT DESCRIPTION, North San Jose Area Development Policy/General Plan Amendment**

REVISE the second paragraph as follows:

The existing FAR for the site, as established by the NSJADP, is 0.35. With the elimination of the project site from the NSJADP area, there would be no FAR restrictions. The project is proposing the removal of the site from the area to develop the site at a more intense FAR of approximately 0.7. With the elimination of the site from the NSJADP area, the project would be required to conform to the more stringent overall city-wide LOS policy, rather than allowing an overall averaging of intersection operations in the area, thereby avoiding or minimizing any significant unavoidable traffic impacts.

Page 13 **Section I. D. PROJECT OBJECTIVES**

REVISE the first paragraph as follows:

The objective of the project is to develop the site with a mixture of compatible uses consistent with San Jose's General Plan so that a major ~~assemblage of land~~ development opportunity site that is critically located can be put into economic production in response to market demands. The project will reserve and then utilize the existing/future available roadway capacity for its buildout. The site is very near the Norman Y. Mineta San Jose International Airport and midway between San Jose's Downtown and the North San Jose/Santa Clara high technology industrial areas, with nearly direct access to both Interstate 880 and US Highway 101.

Page 21 **Section II, CONSISTENCY WITH PLANS, GOALS, & POLICIES, B. CONSISTENCY WITH LOCAL PLANS AND POLICIES, North San Jose Area Development Policy**

REVISE item 2 as follows:

2. A Floor Area Ratio (FAR) policy that places a cap on the magnitude of employment and encourages housing in the impacted area. The cap provides for an average 0.35 for all vacant industrial lands.

Page 22 **Section II, CONSISTENCY WITH PLANS, GOALS, & POLICIES, B. CONSISTENCY WITH LOCAL PLANS AND POLICIES, North San Jose Area Development Policy**

REVISE the second paragraph as follows:

The project proposes to remove 92.5 acres from the North San Jose Area Development Policy area and therefore, consistency with the policy would no longer be applicable. The intent of the policy was to allow industrial development at a reasonable intensity and assure that adequate overall traffic circulation was achieved in the area. The project proposes a development intensity of approximately 0.70 FAR and would conform to the more stringent overall city-wide LOS policy, rather than allowing an overall averaging of intersection operations in the area, thereby avoiding or minimizing any significant unavoidable traffic impacts.

Page 24 **Section III. A. LAND USE, Historical Uses**

REVISE the first paragraph as follows:

In 1948, the Food Machinery and Chemical Corporation (FMC) constructed a machinery plant on the project site for the production of agricultural and fire fighting equipment. Shortly thereafter, Food Machinery was awarded a government contract to construct armored personnel vehicles. To meet the demand of the Federal government, the processes of the manufacturing plant were modified for the production of armored personnel vehicles. In 1951, the corporate offices from the company's Julian Street facility were moved to the

project site. In 1960, Food Machinery changed its name to FMC Corporation (FMC) to reflect the different areas of manufacturing the company had entered into. FMC manufactured and modified armored personnel vehicles, pumps and sprayers, and airline handling equipment on the project site from 1951 to 1998. From 1994 to 1997 United Defense LP has been on the site as a partner of FMC. In 1997, FMC sold its interest in United Defense. In 1999, United Defense consolidated its operations onto the property on the north of the site and no longer occupies the site.

Page 27 **Section III. A. LAND USE, 1. Existing Setting, General Plan and Zoning**

REVISE the second paragraph as follows:

The existing zoning designation is *HI Heavy Industrial.* This district is intended for industrial uses with nuisance or hazardous characteristics which for reasons of health, safety, environmental effects, or general welfare are best segregated from other uses. Typical uses permitted in the HI zoning district include industrial services, processing laboratories, medium and heavy manufacturing and assembly, establishment for the repair or cleaning of household, commercial, or industrial equipment or products, warehouses, seasonal retail sales, driving schools, photo processing, printing, and large recycling facilities. Very limited scale retail sales and service establishments serving nearby businesses and their employees may be considered appropriate where such establishments do not restrict or preclude the ability of surrounding Heavy Industrial land from being used to its fullest extent and are not of a scale or design that depends on customers from beyond normal walking distances.

Page 30 **Section III. A. LAND USE, *Airport Compatibility***

REVISE the first paragraph as follows:

The southeasterly corner of the project site is located within the ALUC safety zone for Runway 11-29 at Norman Y. Mineta San Jose International Airport, as shown on Figures 4 and 5. The project site also appears to be within the Inner Turning Zone for Runway 11-29 as defined by the Caltrans Airport Land Use Planning Handbook. In addition, the 65 CNEL contour line for the airport is located on the project site, as described in Section III. D. of this EIR. The safety zone designation requires that the density of people be restricted within this area. The safety zone includes provisions such as:

1) limiting the density of usage allowed within this area to an average of 10 people per acre or a maximum of 25 people at any given time;
2) restricting the allowed land uses to agriculture, recreational parks, storage or seasonal equipment, parking of automobiles, single-story warehouses, and municipal activities such as a sewage treatment plant; and
3) restricting the storage to less than 100 gallons of flammable liquids or toxic material per acre.

Page 43 **Section III. B., TRANSPORTATION AND CIRCULATION, *Freeway Segments Existing Levels of Service***

REVISE the list of freeway segments to remove the extra bullet next to Montague Expressway to read as follows:

- U.S. 101 from De La Cruz to Montague Expressway — LOS F SB during PM peak hour

Page 45 **Section III. B., TRANSPORTION AND CIRCULATION, *City of Santa Clara Local and Regional Intersections***

REVISE the first paragraph as follows:

As indicated in Table 4, under background conditions all local study intersections in Santa Clara will continue to operate at an acceptable level of service D or better. The intersection of Coleman Avenue and Brokaw Road is expected to improve under background conditions from LOS E to LOS D, due to programmed improvements, which have been funded for this intersection. Under background conditions, <u>therefore, two</u> ~~three~~ CMP intersections in the city are projected to operate at an unacceptable level of service of F. These intersections are as follows:

- Central Expressway/Lafayette Street — LOS "F" during the PM peak hour (CMP)
- Central Expressway/De La Cruz Blvd. — LOS "F" during the PM peak hour (CMP)

Page 46 **Section III. B., TRANSPORTION AND CIRCULATION, *Thresholds of Significance***

REVISE the fourth bullet point as follows:

- increase the critical delay by four or more seconds and critical V/C increases 0.01 or more seconds at a regional intersection operating at LOS ~~E or~~ F under background conditions; or

Page 50 **Section III. B., TRANSPORTION AND CIRCULATION, *City of Santa Clara Intersections.***

REVISE the first bullet statement as follows:

◆ **Development of the proposed project would not worsen conditions at the <u>Central Expressway/Lafayette Street</u> ~~Central Expressway/De La Cruz Boulevard CMP~~ intersection. (Less than Significant Impact) <u>The project would contribute to the degradation of the Central Expressway/De La Cruz Boulevard CMP intersection, which would remain at LOS F. (Significant Impact)</u>**

Page 50 **Section III. B., TRANSPORTION AND CIRCULATION, Freeway Operations**

REVISE the section as follows:

The project would add greater than one percent capacity to ~~16~~ 27 freeway segments that are currently operating at an LOS of F. The impacted freeway segments are as follows:

• SR 87, Capitol Expressway to Curtner Avenue	NB direction during AM peak hour
• SR 87, Curtner Avenue to Almaden Expressway	NB direction during AM peak hour SB during the PM peak hour
• SR 87, Almaden Expressway to Alma Avenue	NB direction during AM peak hour SB during the PM peak hour
• SR 87, Alma Avenue to I-280	SB direction during PM peak hour
• SR 87, I-280 to Julian Street	NB direction during AM peak hour SB direction during the PM peak hour
• SR 87, Julian Street to Coleman Avenue	NB direction during the AM peak hour
• US 101, McKee to Old Oakland Rd.	NB direction during the AM peak hour
• US 101, Old Oakland Rd. to I-880	NB direction during the AM peak hour SB direction during the PM peak hour
• I-280, I-880 to Winchester Boulevard	~~N~~WB direction during the AM peak hour
• I-280, Winchester Blvd. to Saratoga Ave.	WB direction during the AM peak hour EB direction during the AM peak hour
• I-280, Saratoga to Lawrence Expressway	WB direction during AM peak hour
• I-880, I-280 to Stevens Creek	NB during the ~~P~~AM peak hour
• I-880, The Alameda to Coleman Avenue	SB during the PM peak hour
• I-880, Coleman Avenue to Route 87	NB direction during AM peak hour
• I-880, SR 87 to North First Street	NB direction during AM peak hour
• I-880, North First Street to U.S. 101	NB direction during AM peak hour
• I-880, U.S. 101 to Brokaw Road	NB direction during AM and PM peak hours
• I-880, Montague Expressway to Great Mall Parkway	NB direction during PM peak hour
• I-880, Great Mall Pkwy. to SR 237	NB direction during PM peak hour
• Route 17, San Tomas to Hamilton	NB direction during AM peak hour
• Route 17 from Hamilton to I-280	NB direction during AM peak hour

◆ **The proposed project would add greater than one percent capacity to ~~16~~ 27 freeway segments already operating at a level of service F. (Significant Impact)**

Page 96 **Section III., G., VEGETATION AND WILDLIFE**

REVISE the third paragraph as follows:

The use of the area north of West Hedding Street for Burrowing Owl Habitat is identified as a possible option in the Guadalupe Garden Master Plan (Phase 2). Therefore, while this area is not currently considered to be habitat, there is a potential that it could be managed as such. ~~The project applicant could acquire 6.5 of the approximately 20 acres of the area north of West Hedding Street to be managed as habitat.~~ Trees could be removed and the area could be fenced to protect future owls. However, it is not known if owls would occupy the area after it is set aside for owls. The securing of 6.5 acres (according to the CDFG as the number of acres required to support one pair of Burrowing Owls) of this property for Burrowing Owl habitat, in perpetuity, would not guarantee that owls would colonize on the site. Moreover, the project applicant could not acquire the needed property as the area is part of Norman Y. Mineta San Jose International Airport and must be retained by the City for airport approach zone protection. For this reason, this alternative could not reduce the impacts of the loss of Burrowing Owl habitat on the project site~~, but not~~ to a less than significant level.

Page 102 **Section III., H. HAZARDOUS MATERIALS**

REVISE the second paragraph after ***Central Plant Area*** to read as follows:

Numerous groundwater monitoring wells have been installed in the Central Plant Area to allow collection of groundwater samples and measurements of the depth to groundwater (Figure 19). A dual-phase (groundwater and soil vapor) extraction and treatment system was constructed in the Central Plant area between August 2000 and January 2001 as an interim measure to remediate solvent-impacted shallow soil and groundwater. The system started operation in February 2001 and was shut down the following year for further evaluation.

Page 128 **Section V. ALTERNATIVES, D. ALTERNATIVE LOCATION**

REVISE the second paragraph as follows:

As vacant land has ~~becomes~~ more scarce in San Jose, there is no other 92.5-acre site located within the City that is currently designated for Combined Industrial/Commercial land uses. While the North Coyote Valley area of south San Jose was chosen as a possible alternative location, some of the uses proposed for the project, including commercial, hotel, and car rental uses, would not be allowed within this area.

Page 128 **Section V. ALTERNATIVES, D. ALTERNATIVE LOCATION, Potential for Significant Impacts, *Traffic***

REVISE the first paragraph as follows:

The North Coyote Valley area is not as congested as the project area and is located in proximity to a high concentration of residential uses. The commute pattern under this alternative would not exacerbate an existing prevailing countywide pattern of driving to the north in the morning and south in the evening. Industrial uses in North Coyote Valley

Campus Industrial area would help support "reverse" commute patterns. Because traffic conditions are not deteriorated in this area of the City to the same degree they have degraded in North San Jose, it ~~does~~ would not require either an Area Level of Service Policy or an Area Deficiency Plan. Therefore, it is expected that traffic impacts would be less under this alternative. Because the area is undeveloped it would require the installation of costly infrastructure improvements (i.e. construction of new roads and an interchange with U.S. 101 etc.).

Page 130 **Section VI. SIGNIFICANT EFFECTS WHICH CANNOT BE AVOIDED**

REVISE the section as follows:

The project would result in significant unavoidable regional traffic impacts to freeway segments and result in a significant contribution to regional air pollution. The proposed project would also result in a significant unmitigated impact due to the loss of Burrowing Owl habitat (refer to page 97 of this EIR). This project in conjunction with other foreseeable projects would result in significant unavoidable cumulative impacts to freeway segments, the loss of Burrowing Owl habitat, and regional air quality.

Page 133 **Section X. REFERENCES**

ADD to the list of References:

California State Department of Transportation, Division of Aeronautics, California Airport Land Use Planning Handbook, January 2002.

B. TEXT REVISIONS TO TRANSPORTATION IMPACT ANALYSIS (APPENDIX B)

Page ES-3 **Existing Conditions**

REVISE the first paragraph as follows:

The results of the level of service analysis performance for City, CMP intersections and freeway segments are presented in Tables ES-1 to ES-3. According to the City of San Jose guidelines, all city intersections are currently operating at an acceptable level of service, with the exception of Coleman/Hedding (LOS "E" during AM peak hour). All City of Santa Clara study intersections are currently operating at acceptable levels of service with the exception of Brokaw/Coleman (LOS "E" during the PM peak hour). All CMP study intersections are currently operating at acceptable levels of service, based on CMP criteria, with the exception of I-880/Coleman (S), which operates at (LOS "F" during the AM peak hour), Central/Lafayette (LOS "F" during the PM peak hour), and Central /De La Cruz (LOS "F" during both the AM and PM peak hour). Levels of service for the freeway segments were analyzed using CMP guidelines and requirements. The following freeway segments are operating at unacceptable levels of service under existing conditions:

Page ES-5 **Project Conditions**

REVISE the first paragraph as follows:

Under Project Conditions, according to City of San Jose LOS standards, project traffic would cause an impact at the following intersections.

• Coleman Avenue/Taylor Street	Changes from LOS "E" to LOS "F" during the AM peak hour
• Coleman Avenue/Hedding Street	Changes from LOS "E" to LOS "F" during the AM peak hour Changes from LOS "D" to LOS "E" during the PM peak hour
• Coleman Avenue/Aviation Ave.	Changes from LOS "B" to LOS "F" during the PM peak hour

Page ES-6 **Project Conditions**

REVISE the third paragraph to read as follows:

No detrimental bicycle facility or pedestrian facility impacts are anticipated. The project will include the construction of a public sidewalk along its Coleman Avenue frontage and dedication of right-of-way to widen Coleman Avenue for additional traffic lanes which accommodate bicyclists.

Page ES-6 **Project Conditions**

REVISE the sixth paragraph to read as follows:

The overall site will supply approximately ~~9,900~~ 9,600 parking spaces to accommodate travelers using motorized vehicles to access the site. These supplies will meet or exceed averages observed by the Institute of Traffic Engineers and City of San Jose building code requirements.

Page 11 **Existing Bicycle and Pedestrian Facilities**

REVISE the first paragraph as follows:

The City of San Jose's Transportation Bicycle Network Plan lists Coleman Avenue as a future bicycle facility, although ~~T~~the project site is relatively isolated from ~~any~~ existing designated bicycle routes ~~designated within the Santa Clara County Bikeways Network~~. Heavy traffic volumes along Coleman Avenue during peak travel periods and the existing widths of curb traffic lanes are not conducive to bicycle movements. Sidewalks are currently available on both sides of Coleman Avenue along the length of the project site.

Page 11 **Existing Transit Service**

REVISE the first paragraph as follows:

Public transit bus service is provided locally by the Santa Clara Valley Transportation Authority (VTA). One local VTA bus route (304) provides immediate access to the site on Coleman Avenue. A number of other bus routes operate in close proximity to the FMC site but are relatively isolated from the site itself. This isolation stems from the fact that the ~~Union Pacific Railroad (UPRR) and~~ Peninsula Corridor Joint Powers Board Caltrain rail lines and UPRR yard run along the western boundary of the site. There is no direct access to El Camino Real, west of the Union Pacific rail line, or the Santa Clara Caltrain Station, where many local bus routes converge and serve a much wider area to the west, south, and north. There does exist an opportunity to construct a pedestrian bridge connecting Brokaw Road with the Santa Clara Caltrain station; however, this connection is not proposed as part of the FMC/Coleman Avenue project. Such a connection would provide direct passenger rail service to the site and provide a connection to many bus routes which serve the station. A map of the existing bus transit service in the area surrounding the project site is shown on Figure 4.

Page 42 **Project Description**

REVISE the second paragraph to read as follows:

The site for the proposed development is strategically and centrally located within Santa Clara County. The site is immediately adjacent to the San Jose International Airport, Silicon Valley's portal to North America and the world. It is also adjacent to I-880 and its interchange with Coleman Avenue. This interchange and Coleman Avenue has been identified as the future gateway to downtown San Jose for East San Francisco Bay motorists. ~~The FMC Coleman Avenue site is also immediately adjacent to the Santa Clara Caltrain peninsula corridor commuter rail station.~~ The project site is located in proximity to the Santa Clara Caltrain station. Caltrain service links the site with San Francisco and Peninsula cities to the north, and Gilroy and other South Bay cities.

Page 44 **Table 10 Trip Generation for the Proposed Project**

REVISE the second asterisk at the bottom of the table as follows:

**Institute of Transportation Engineers (ITE) ~~Rates~~ Fitted Curve Equation was used.

Page 50 **City of San Jose Intersections**

REVISE the section as follows:

• Coleman Avenue/Taylor Street	Degrades from LOS "E" to LOS "F" during the AM peak hour ~~Degrades from LOS "D" to LOS "E" during the PM peak hour~~

• Coleman Avenue/Hedding Street	Degrades from LOS "E" to LOS "F" during the AM peak hour Degrades from LOS "D" to LOS "E" during the PM peak hour
• Coleman Avenue/Aviation-FMC Dwy.	Degrades from LOS "B" to LOS "F" during the PM peak hour

In those cases where the LOS is unchanged, a significant impact is triggered by the change in critical volume to capacity ratio and/or the change in critical movement delay.

Page 53 **Freeway Conditions**

REVISE list of freeway segments as follows:

• SR 87, Capitol Expressway to Curtner Avenue	NB direction during AM peak hour
• SR 87, Curtner Avenue to Almaden Expressway	NB direction during AM peak hour SB during the PM peak hour
• SR 87, Almaden Expressway to Alma Avenue	NB direction during AM peak hour SB during the PM peak hour
• SR 87, Alma Avenue to I-280	SB direction during PM peak hour
• SR 87, I-280 to Julian Street	NB direction during AM peak hour SB direction during the PM peak hour
• SR 87, Julian Street to Coleman Avenue	NB direction during the AM peak hour
• US 101, McKee to Old Oakland Rd.	NB direction during the AM peak hour
• US 101, Old Oakland Rd. to I-880	NB direction during the AM peak hour SB direction during the PM peak hour
• I-280, I-880 to Winchester Boulevard	~~N~~WB direction during the AM peak hour
• I-280, Winchester Blvd. to Saratoga Ave.	WB direction during the AM peak hour EB direction during the AM peak hour
• I-280, Saratoga to Lawrence Expressway	WB direction during AM peak hour
• I-880, I-280 to Stevens Creek	NB during the ~~P~~AM peak hour
• I-880, The Alameda to Coleman Avenue	SB during the PM peak hour
• I-880, Coleman Avenue to Route 87	NB direction during AM peak hour
• I-880, SR 87 to North First Street	NB direction during AM peak hour
• I-880, North First Street to U.S. 101	NB direction during AM peak hour
• I-880, U.S. 101 to Brokaw Road	NB direction during AM and PM peak hours
• I-880, Montague Expressway to Great Mall Parkway	NB direction during PM peak hour
• I-880, Great Mall Pkwy. to SR 237	NB direction during PM peak hour
• Route 17, San Tomas to Hamilton	NB direction during AM peak hour
• Route 17 from Hamilton to I-280	NB direction during AM peak hour

Page 59 **Project Condition Bicycle and Pedestrian Facility Impacts**

REVISE second paragraph to read as follows:

Currently, ~~The Santa Clara County Bikeways Map designates no bicycle routes~~ no bicycle route or bicycle lane is designated along Coleman Avenue near the site. As such, no modifications or elimination of existing bicycle and pedestrian facilities, bicycle lanes, routes and paths, and expressway shoulders used for bicycle travel are proposed as part of the project. Therefore, there would be no impact on bicycle and pedestrian facilities (as measured by evaluation criteria number 1).

REVISE third paragraph to read as follows:

The City of San Jose General Plan and the Santa Clara County General Plan and Bicycle Plan were reviewed to determine the project's impact on future bicycle plans. ~~These plans do not include any pending bike lane improvement on Coleman Avenue immediately adjacent to the project site. The results of this review indicate that the project will not impact future bicycle plans. Therefore, the project would have no impact on future bicycle plans (as measured by evaluation criteria number 2).~~ The City of San Jose General Plan and the Santa Clara County General Plan and Bicycle Plan were reviewed to determine the project's impact on future bicycle plans. The City of San Jose's Transportation Bicycle Network includes the section of Coleman Avenue between De La Cruz Boulevard and Market Street as a Future Bicycle Facility (FBF). With the development of the proposed project, right-of-way along the Coleman Avenue frontage will be dedicated for widening Coleman Avenue. The roadway widening will accommodate the City's FBF. Development of the project will therefore have a positive impact on future bicycle plans (as measured by evaluation criteria number 2).

Page 60 **Parking Condition Parking Impacts**

REVISE the second paragraph to read as follows:

On-site parking spaces, as proposed in the project site plan were considered as required in Item 2, above. A comparison was made between the number of spaces proposed for each land use and parking generation rates as published in the Institute of Transportation Engineer's Parking Generation, 2nd Edition. A parking supply of ~~9,990~~ 9,600 spaces is proposed for the overall Phase I and Phase II site development covering approximately 100 acres of gross developable land.

REVISE the third paragraph to read as follows:

The ~~9990~~ 9,600 parking spaces are proposed to accommodate 3.0 million square feet of R&D/office facilities. Given the site's proximity to Caltrain and BART, the proposed parking supply should be sufficient to accommodate the parking demand associated with both site development phases.

Page 62 City of San Jose Intersection Mitigation, Coleman Avenue and Taylor Street

REVISE the first paragraph to read as follows:

The current roadway lane geometry for the eastbound approach of this intersection is one left-turn lane, two through lanes and one right-turn lane. The recommended mitigation for this intersection is to remove the exclusive right-turn lane and add an additional eastbound left-turn lane. The future lane geometry for the eastbound approach would then consist of two left-turn lanes, one through lane, and one through/right-turn lane. The current roadway lane geometry for the southbound approach of this intersection is one left-turn lane, two through lanes and one right-turn lane. The recommended mitigation for this intersection is to remove the exclusive right-turn lane and add an additional southbound left-turn lane. The future lane geometry for the southbound approach would then consist of two left-turn lanes, one through lane, and one through/right-turn lane. The current roadway lane geometry for the ~~westbound~~ eastbound approach of this intersection is one left-turn lane, two through lanes and one right-turn lane. The recommended mitigation for this intersection is to remove the exclusive right-turn lane and add a free right-turn lane. The future lane geometry for the eastbound approach would consist of one left-turn lane, two through lanes, and one free right-turn lane. The proposed intersection improvements will bring the intersection level of service back to year 2005 base conditions or better. The proposed intersection mitigation improvements will also include modifications to the existing traffic signal. The physical feasibility of this mitigation is shown on Figure 14.

Page 70 **Cumulative Conditions Analysis**

REVISE the first paragraph to read as follows:

In consultation with City of San Jose staff, a number of projects were identified which may be constructed after the completion of the FMC project. These projects were assessed in terms of size and land use. The same trip generation estimates and trip distribution and trip assignment assumptions used in the Project Conditions scenario of this report were utilized to determine Cumulative Condition traffic volumes. Traffic volume estimates associated with the College Park Development Concept (Parsons Estimation), Adobe Project (Parsons), the Legacy Project (Hexagon Transportation Consultants), the Downtown Mixed Use/Century Center Project (Parsons), San Jose State University Housing Component (Fehr & Peers Associates), and the San Jose Water Company Project (Hexagon Transportation Consultants) were taken directly from transportation impact reports produced for these projects. Cumulative trips were then added to Project Condition volumes to obtain cumulative traffic volumes. Figure 16 shows the cumulative condition traffic volumes.

Page 71 **Table 17 Cumulative Projects**

REVISE the table to read as follows:

Table 17
Cumulative Projects

Project Description	Land Use	Units	Square Feet
College Park	R&D/Office		1,360,000
	Retail		540,000
Above Net	Retail		16,600
Boston Properties	Retail		37,070
Adobe Fourth Tower	Office		261,300
Marriott Courtyard	Hotel	200 rooms	
Legacy	Office		1,100,000
	Retail		16,000
	Residential	650 du	
Mitchell/DeAnza	Office		300,000
South Market Office	Office		350,000
Borcardo+A5/Gensler	Office		300,000
Federal Courthouse	Office		650,000
Divco West	Office		436,000
Adobe Phase III	Office		297,900
Downtown mix use/Century Center*	Retail		437,000
	Residential	1,625 units	
	Office		1,233,000
	Hotel	400 rooms	
San Jose State University	Residential	4,020 beds	
	Increased enrollment students/staff	3,760 persons	
San Jose Water Company	Office and Retail		1,004,100
	Residential	325 units	

*From Downtown Mixed-Use/Century Center Expansion Redevelopment Project
Source: City of San Jose Redevelopment Agency

V. COMMENT LETTERS

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse

Gray Davis
Governor

Tal Finney
Interim Director

May 30, 2003

Janis Moore
City of San Jose
801 North First Street, Room 400
San Jose, CA 95110-1795

Subject: Planned Development Rezoning (File No. PDC98-104) for FMC site
SCH#: 1999122059

Dear Janis Moore:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on May 29, 2003, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts

Terry Roberts
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
(916)445-0613 FAX(916)323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 1999122059
Project Title Planned Development Rezoning (File No. PDC98-104) for FMC site
Lead Agency San Jose, City of

Type EIR Draft EIR

Description Planned Development Rezoning (PDC98-104) from HI Heavy Industrial Zoning District to A(PD) Planned Development Zoning District to allow the redevelopment of an approximately 92.5-acre site bounded by Coleman Avenue in the northeast, Newhall Street to the southeast, Southern Pacific Railroad lines to the southwest, and the jurisdictional boundary of the City of Santa Clara to the northwest. The proposed remaining of the site would allow construction of up to three million square feet of new office/R&D development. In addition, an undetermined amount of hotel, retail, and commercial uses may be constructed, but in no case would total development of the site exceed in the traffic performance criteria that are equivalent to the traffic that would result from three million square feet of new office/R&D development. Existing building demolition, parking, landscaping, public and private streets, and necessary new infrastructure are also included in the project.

Lead Agency Contact

Name Janis Moore
Agency City of San Jose
Phone 408-277-4576 **Fax**
email
Address 801 North First Street, Room 400
City San Jose **State** CA **Zip** 95110-1795

Project Location

County Santa Clara
City San Jose
Region
Cross Streets Newhall St., Coleman Ave., So. Pacific Railroad
Parcel No. 230-22-006; 230-46-032
Township **Range** **Section** **Base**

Proximity to:

Highways 87, 101, 280, 880
Airports N.Y.M.S.J. International
Railways SPRR
Waterways Guadalupe River
Schools Santa Jose Unified
Land Use Present Land Use: FMC Corporation/United Defense heavy manufacturing and testing facilities / Zoning: HI - Heavy Industrial / General Plan: Combined Industrial/Commercial

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Sewer Capacity; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wildlife; Growth Inducing; Landuse; Cumulative Effects; Other Issues

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 3; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; Caltrans, District 4; Air Resources Board, Major Industrial Projects; Regional Water Quality Control Board, Region 2; Department of Toxic Substances Control; Native American Heritage Commission

Date Received 04/15/2003 **Start of Review** 04/15/2003 **End of Review** 05/29/2003

Note: Blanks in data fields result from insufficient information provided by lead agency.

Santa Clara Valley Water District

5750 ALMADEN EXPWY
SAN JOSE, CA 95118-3686
TELEPHONE (408) 265-2600
FACSIMILE (408) 266-0271
www.valleywater.org
AN EQUAL OPPORTUNITY EMPLOYER

File: 24629
Guadalupe River

April 28, 2003

A

Ms. Janis Moore
Planning Division
City of San Jose
801 North First Street, Room 400
San Jose, CA 95110-1795

Subject: Draft Environmental Impact Report FMC Coleman Master Plan Planned Development Rezoning

Dear Ms. Moore:

Thank you for providing a copy of the Draft Environmental Impact Report for the FMC/Coleman Avenue Planned Development Rezoning dated April 2003 and submitted to the Santa Clara Valley Water District (District) on April 16, 2003, for our review and comment.

The District's main concern regarding redevelopment of this site is the continuing impacts to storm water quality caused by urban uses of the site. We are pleased to see that the project will reduce the existing amount of impervious surfaces at the site by approximately 11 percent, resulting in approximately 20 percent pervious surface overall, and that grass/vegetated swales along with "good housekeeping" Best Management Practices (BMPs) will be incorporated into the site to help improve the quality of storm water in accordance with Provision C.3 of the City's National Pollutant Discharge Elimination System permit. A1

As evidenced by this proposal, improving storm water quality can be accomplished even in a dense development when landscaping is designed to be multi-functional and thought is given to the inclusion of such measures early in project development. The District looks forward to the implementation of Provision C.3 and the increased use of BMPs such as grass/vegetated swales on projects to help improve the storm water runoff quality which will lead to improved water quality within the creeks. A2

The proposed project is not within 50 feet of the any District facilities; therefore, a District permit is not required. A3

If you have any questions or need further information, you can reach me at (408) 265-2607, extension 2322.

Sincerely,

Colleen Haggerty
Assistant Engineer
Community Projects Review Unit

cc: Mr. Brian Wines, California Regional Water Quality Control Board
S. Tippets, V. Stephens, D. Chesterman, C. Haggerty, File (2)

ch:jl
0425e-pl.doc

County of Santa Clara

Environmental Resources Agency
Planning Office

County Government Center, East Wing, 7th Floor
70 West Hedding Street
San Jose, California 95110-1705
(408) 299-5770 FAX (408) 288-9198
www.sccplanning.org

May 1, 2003

B

Department of Planning, Building and Code Enforcement
Att: Janis Moore
801 North First Street, Room 400
San Jose, CA 95110-1795

RE: City of San Jose
Draft Environmental Impact Report for the FMC Planned Development Rezoning (PDC98-104 and SCH No. 1999122059)

Dear Ms. Moore:

On behalf of the Santa Clara County Planning Office I am writing to express concern regarding the Cultural Resources evaluation prepared for the development project cited above.

The draft environmental impact report (DEIR) indicates that eight pre-1956 buildings located on the project site will be impacted (demolished) by the potential construction of up to three million square feet of new office and research and development space, as well as an undetermined amount of retail, hotel and commercial space. Two buildings (Buildings 15 and 62) constructed in 1948 were identified as retaining a high level of historic integrity. However, none of the buildings were determined to be eligible for the National Register of Historic Places or the California Register of Historical Places. B1

Information provided in the historic resources evaluation conducted by Ward Hill in March 2002 has the potential to support alternate conclusions regarding the eligibility of at least two of the buildings for listing in the California Register. The following information should be further considered:

- The merger of the John Bean Spray Pump Company and Anderson-Barngrover (Food Machinery Company) in 1929 "gave this city [San Jose] the largest fruit manufacturing company in the world." FMC was a major company which made a significant contribution to the historic, economic development of San Jose and the Santa Clara Valley. In 1940, FMC had total sales of $10.4 million and nine small machinery plants located across the country. The fruit packing machinery factory (Buildings 15 and 62) appears to be the first factory constructed for FMC in San Jose. Rather than analyzing the significance of the Coleman Avenue factory in relation to the company (FMC) and other FMC factories, its significance should be evaluated B2

8-008

locally. Is this type of factory (fruit packing machinery production) one of the few remaining in San Jose related to the fruit processing industry? What kind of impact did the later use of the factory for the production of airline industry machinery have on the airline industry in the Santa Clara Valley?

- FMC played a significant role in the development of armored military vehicles in the United States (M75, M59, M113). In direct response to the popularity of the M113, the Coleman Avenue factory was significantly expanded in the late 1950s and 1960s. While the armored vehicle factory and related buildings are not yet 50 years old, they were determined to be potentially eligible for the National Register of Historic Places in the future. A more comprehensive study/analysis at this time may establish a case now for eligibility for listing in the California Register of Historical Places. What role did FMC play in military production locally? Was FMC a leader in the military production industry in the Santa Clara Valley at the time? B3

The City of San Jose should consider obtaining a second opinion from a qualified historic resources consultant to address the information and questions discussed above. B4

If you have any questions, please contact the Santa Clara County Planning Office at (408) 299-5798.

Sincerely,

Dana Peak

Dana Peak
Santa Clara County Historical Heritage Coordinator

Cc: Ann Draper; Director, Santa Clara County Planning Office
Hugh Graham; Principal Planner, Santa Clara County Development Review

California Regional Water Quality Control Board
San Francisco Bay Region

Winston H. Hickox
Secretary for Environmental Protection

Internet Address: http://www.swrcb.ca.gov
1515 Clay Street, Suite 1400, Oakland, California 94612
Phone (510) 622-2300 • FAX (510) 622-2460

Gray Davis
Governor

C

clear 5.29.03 e

Date: MAY 14 2003
File No. 2188.05 (BKW)

Ms. Janis Moore
City of San Jose
Department of Planning, Building & Code Enforcement
801 North First Street, Room 400
San Jose, CA 95110-1795

SUBJECT: Draft Environmental Impact Report for the FMC / Coleman Avenue Planned Development Rezoning (PDC98-104)
SCH No. 1999122059

Dear Ms. Moore:

Thank you for the opportunity for the San Francisco Bay Regional Water Quality Control Board (Regional Board) to comment on the *Draft Environmental Impact Report (DEIR) for the FMC / Coleman Avenue Planned Development Rezoning (PDC98-104)* (Project). The proposed Project includes the rezoning of a 92.5-acre site from HI Heavy Industrial Zoning District to A(PD) Planned Development Zoning District. Regional Board staff have the following comments on the DEIR.

Comment 1.
Regional Board staff would like to acknowledge the discussion of compliance with the Santa Clara Valley Urban Runoff Pollution Prevention Program's NDPES Permit No. CAS0299718 (Regional Board Order No. 01-024) for the discharge of urban runoff. The discussion of Provision C.3 of this NDPES Permit, in Section F of Chapter III and Appendix J, summarizes the compliance requirements and identifies appropriate site-specific management measures for stormwater runoff. The level of detail in the DEIR should facilitate the future redevelopment of the Project site in conformance with the requirements of the NDPES permit.

C1

Comment 2.
Page 11 of the DEIR describes modifications to Coleman Avenue and the construction of two new four-lane streets. Regional Board staff would like to encourage the project proponents to incorporate storm water management features into the designs of these streets, such as depressed vegetated swales along the medians or shoulders of the road, with curbs designed to transmit

C2

stormwater flows to the swales. Guidance manuals, such as *Green Streets, Innovative Solutions for Storm water and Stream Crossings* (June 2002, ISBN 0-9662473-5-3), prepared by Metro (www.metro-region.org) can be consulted for additional street design ideas to reduce the impacts of storm water runoff from streets.

C2 cont'd

If you have any questions regarding this letter, please feel free to contact me at (510) 622-5680 or by e-mail at bkw@rb2.swrcb.ca.gov.

Sincerely,

Brian Wines
Water Resources Control Engineer

cc State Clearinghouse, Attn: Katie Shulte Joung, P.O. Box 3044, Sacramento, CA 95812-3044

May 14, 2003

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

ALAMEDA COUNTY
Roberta Cooper
Scott Haggerty (Chairperson)
Nate Miley
Shelia Young

CONTRA COSTA COUNTY
Mark DeSaulnier
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Harold C. Brown, Jr.

NAPA COUNTY
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Willie Brown, Jr.
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Jake McGoldrick

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Marland Townsend (Vice-Chairperson)

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Julia Miller
Dena Mossar (Vacant)

SOLANO COUNTY
John F. Silva

SONOMA COUNTY
Tim Smith
Pamela Torliatt

William C. Norton
EXECUTIVE OFFICER/APCO

Janis Moore
Department of Planning, Building & Code Enforcement
City of San Jose
801 N. First Street, Room 400
San Jose, CA 95110-1795

D

Subject: FMC/Coleman Avenue Planned Development Rezoning

Dear Ms. Moore:

Bay Area Air Quality Management District (District) staff have reviewed your agency's Draft Environmental Impact Report (DEIR) for the FMC/Coleman Avenue Planned Development Rezoning. The 92.5 acre property is currently zoned and being used for Heavy Industrial purposes. The City is considering a proposed zoning change to a Planned Development Zoning District to allow for the redevelopment of the site. The proposed new land use designation would allow for the construction of up to three million square feet of new office/research & development space. In addition, the project includes the demolition of existing structures on the property and the possible development of an undetermined amount of hotel, retail and commercial uses.

The District supports in-fill development that is of a moderate to high density, has a variety of compatible land uses and encourages alternative modes of transportation. These projects are generally much less automobile-dependent and generate less air pollution than conventional sprawl development, especially if the mixture of uses includes needed services. The FMC/Coleman Avenue project fulfills these goals by redeveloping more intensely on an in-fill site near transit. However, the *Air Quality* section of the DEIR states that project-level emissions are likely to exceed the District's significance threshold for criteria air pollutants. If significant air quality impacts are identified, the Final Environmental Impact Report (FEIR) must include all feasible mitigation measures to reduce those impacts. Therefore, we suggest that the City do as much as possible to reduce vehicle trips and vehicle miles traveled associated with the project. We recommend that the site design be revised to encourage more walking, biking and transit use. Specific recommendations are provided below.

D1

As a mixed use development near a major regional transit facility, the FMC/Coleman Avenue Planned Development project provides an excellent opportunity for the City to promote transportation alternatives. The Santa Clara Valley Transit Authority (VTA) is planning for an inter-modal station adjacent to the project site where a new BART station will link with the San Jose International Airport Automated People Mover and the existing Santa Clara Caltrain station. Despite this obvious transit-oriented development opportunity, the City is not proposing, as a part of this project, any physical connections between the site and the inter-modal station (*p.36*). We strongly encourage the City to amend the

D2

project to include direct, safe and convenient pedestrian and bicycle access to the site from all nearby transit facilities.

The City can further maximize the benefits of the project's location by incorporating as many appropriate transportation demand management (TDM) measures as possible. The DEIR lists several good TDM measures in the *Air Quality* and *Transportation* sections, including physical improvements to the site such as sidewalks, bus shelters and bicycle parking; the operation of a shuttle to the nearby transit center (which we support if direct pedestrian/bicycle access is not feasible); incentives for carpooling; transit subsidies for employees (like VTA's EcoPass program); and a guaranteed ride home program. These measures promote transportation alternatives to the single-occupant vehicle which help to mitigate the project's air quality impacts. D3

We encourage the City to implement additional TDM measures to reduce the air quality impacts associated with project development. We are concerned about the project's design with regards to on-site parking. According to the project description, the FMC/Coleman Avenue Planned Development will provide approximately 9,600 parking spaces. An over-supply of parking is one of the reasons many commuters do not consider alternatives to the single-occupant vehicle. We recommend that the City require the project applicant to reduce the number of parking spaces and implement a parking cash-out program. Parking cash-out requires employers to provide transit and/or ridesharing subsidies to non-driver employees in amounts equivalent to the subsidized parking, thereby encouraging those who would normally drive alone to consider a commute alternative. D4

We strongly encourage the City to pursue a mix of land uses and site design for the FMC/Coleman Avenue site that will incorporate office-serving commercial and retail uses within close proximity to the office uses. Providing more office-serving commercial uses will help reduce many mid-day trips. These retail and commercial uses should be pedestrian and bicycle accessible. If shops and services are in walking or biking distance from offices, employees will be less likely to drive during the mid-day. Similarly, employees who do not need a personal vehicle for mid-day trips will be more likely to ride transit to work. As a result, fewer vehicle trips will be generated thereby reducing the air quality impacts of the development. D5

The DEIR indicates that old buildings and industrial structures exist on-site, and that the project is likely to involve the demolition and removal of such structures. These actions could expose people to hazardous materials such as asbestos, lead-based paint and/or contaminated soil. Such activities require careful mitigation planning and may require prior approval from the District. For more information on District regulations regarding demolition and soil remediation, please contact our Compliance and Enforcement Division at (415) 749-4762. D6

For more details on our agency's guidance regarding environmental review, we recommend that the City refer to the *BAAQMD CEQA Guidelines: Assessing the Air Quality Impacts of Projects and Plans (1999)*. The document provides information on best practices for assessing and mitigating air quality impacts related to projects and plans, including construction emissions, land use/design measures, project operations, motor vehicles, nuisance impacts and more. If you do not already have a copy of our guidelines, we recommend that you obtain a D7

copy by calling our Public Information Division at (415) 749-4900 or downloading the online version from the District's web site at http://www.baaqmd.gov/planning/plntrns/ceqaguid.htm.

If you have any questions regarding these comments, please contact Suzanne Bourguignon, Environmental Planner, at (415) 749-5093.

Sincerely,

William C. Norton
Executive Officer / APCO

WN:SB

cc: BAAQMD Director Liz Kniss
BAAQMD Director Julia Miller
BAAQMD Director Dena Mossar

County of Santa Clara

Roads and Airports Department

101 Skyport Drive
San Jose, California 95110-1302
(408) 573-2400

E

May 19, 2003

Janis Moore
Planning Department
801 N. First Street #400
San Jose, CA 95110-1795

Subject: Draft Environmental Impact Report (EIR)
FMC Planned Development

City File No: PDC98-104, Coleman Avenue

Dear Ms. Moore:

Your April 29, 2003 letter along with the subject Draft EIR has been reviewed. Our comments are as follows:

(1) On page 43, under "Freeway Segments Existing Levels of service," Montague Expressway LOS is not included. Please fill in this gap.

(2) On page 45, under "City of Santa Clara Local and Regional Intersections," the text of paragraph mentions three CMP intersections, but lists only two intersections. Please include the third CMP intersection also in the list. E2

(3) As stated on Page 45, the Central Expressway/LaFayette Street and Central Expressway/De La Cruz Blvd. intersections operate at an unacceptable Level of Service (LOS) F under background conditions. However, no specific traffic mitigation measures are included in the Draft EIR. This is unacceptable. E3

(4) On page 54, under "Freeway Mitigation Measures," the Draft EIR states as follows:

"Mitigation for freeway impacts would require adding lanes to the freeways. This is not practical for one development to implement." E4

As stated on page VI, under "Transportation, Environmental Impacts and Mitigation Measures," the project would include measures to encourage the use of public transit and carpooling. The Draft EIR asserts that implementation of these measures would not reduce impacts.

It is therefore, recommended that the City require the developer to contribute funding towards 880/Coleman Avenue interchange reconstruction project. Savings to STIP program would then be available to other regional programs, e.g. Central/Montague expressways. This is reasonable since the development seeks mitigation from City/County funded project at Central Expressway/De La Cruz Blvd. intersection.

In summary, we find it difficult to accept the fact that for such a massive project, creating substantial traffic impacts, the Draft EIR does not include a single tangible road-way improvement to mitigate traffic impacts of the proposed development. E5

Please call me at (408) 573-2465 if you have any questions.

We thank you for the opportunity to review this matter.

Sincerely,

Ashok Vyas

cc: RBP, DEC, JME, MA, RN, file

DEPARTMENT OF TRANSPORTATION
DIVISION OF AERONAUTICS – M.S.#40
1120 N STREET
P. O. BOX 942873
SACRAMENTO, CA 94273-0001
PHONE (916) 654-4959
FAX (916) 653-9531

F

May 21, 2003

Ms. Janis Moore
City of San Jose
801 North First Street
San Jose, CA 95110-1795

Dear Ms. Moore:

Re: *City of San Jose's Draft EIR for FMC / Coleman Avenue Planned Development Rezoning; SCH# 1999122059*

The California Department of Transportation, Division of Aeronautics ("Department"), reviewed the above-referenced document with respect to airport-related noise and safety impacts and regional aviation land use planning issues pursuant to the California Environmental Quality Act (CEQA). The following comments are offered for your consideration.

1. The proposal is for the development of up to 3.0 million square feet of office, R&D, retail, hotel, car rental and airport parking on approximately 92.5 acres on the northwest side of Newhall Street, between Coleman Avenue and the Southern Pacific Railroad right-of-way, southwest of the Norman Y. Mineta San Jose International Airport (NYMSJIA).

2. A portion of the southeast corner of the project site is within the Santa Clara County Airport Land Use Commission (ALUC) designated "ALUC Safety Zone for Runway 11-29." The Draft EIR states: "no structures are proposed for the portion of the project site located within the ALUC Safety Zone, however, parking may be placed within this area."

3. Portions of the project site fall between the 60 dB to 75 dB Community Noise Equivalent (CNEL) airport contours. The ALUC recommends an interior noise level of "40 dBA" for hotel and motel sleeping areas. F1

4. The Draft EIR states that the proposal will be referred to the ALUC for a consistency determination "once specific development is proposed for the site." Public Utilities Code (PUC) Section 21676 requires local General Plans and any amendments to be consistent with the adopted airport land use compatibility plans developed by the ALUC. In addition to submitting the proposal to the ALUC, it should also be coordinated with airport staff to ensure that the General Plan will be compatible with future as well as existing airport operations. F2

5. In addition, in accordance with CEQA, Public Resources Code 21096, the Department's Airport Land Use Planning Handbook (Handbook) must be utilized as a resource in the preparation of environmental documents for projects within an airport land use compatibility plan boundaries or if such a plan has not been adopted, within two nautical miles of an airport. The Handbook can be accessed at www.dot.ca.gov/hq/planning/aeronaut/ under the Office of Technical Services or please contact this office to request a copy. The Handbook is a resource that should be applied to all public use airports. F3

6. A large area of the project site appears to be within the Inner Turning Zone for Runway 11-29 as defined by the Handbook. The Inner Turning Zone encompasses locations where aircraft are typically turning from base to final approach legs of the standard traffic pattern and are descending from traffic pattern altitude. The Inner Turning Zone also includes the area where departing aircraft normally complete the transition from takeoff power and flap settings to a climb mode and hove begun to turn to their en route heading. The Handbook generally recommends against nonresidential uses that have a moderate or higher usage intensities (e.g., major shopping centers, fast food restaurants, theaters, meeting halls, buildings with more than three aboveground habitable floors). F4

7. According to the Draft EIR Summary (pg. V) all "building heights proposed for the site will comply with the limits defined by" the Federal Aviation Administration (FAA) "standards for the NYMSJIA and the City's existing avigation easement for the property. Any proposed structures which would exceed these established limits would be subject to FAA review and issuance of a Determination of No Hazard and agreement from the City to amend its avigation easement." Additional information concerning Federal Aviation Regulations Part 77 and the Notice of Proposed Construction or Alteration (Form 7460-1) can be accessed at http://www1.faa.gov/ats/ata/ATA400/oeaaa.html. A copy of the Form 7460-1 and FAA's advisory circular are enclosed for your reference. F5

8. The need for compatible and safe land uses near airports in California is both a local and a state issue. Along with protecting individuals who reside or work near an airport, the Division of Aeronautics views each of the 251 public use airports in California as part of the statewide transportation system, which is vital to the state's continued prosperity. This role will no doubt increase as California's population continues to grow and the need for efficient mobility becomes more crucial. We strongly feel that the protection of airports from incompatible land use encroachment is vital to California's economic future. Airport land use commissions and airport land use compatibility plans, however, are key to protecting an airport and the people residing and working in the vicinity of an airport. F6

These comments reflect the areas of concern to the Department's Division of Aeronautics with respect to airport-related noise and safety impacts and regional airport land use planning issues. We advise you to contact our district office concerning surface transportation issues.

Thank you for the opportunity to review and comment on this proposal. If you have any questions, please call me at (916) 654-5314.

Sincerely,

Sandy Hesnard

SANDY HESNARD
Aviation Environmental Planner

Enclosures

c: State Clearinghouse
Santa Clara County ALUC
Norman Y. Mineta San Jose International Airport

NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION

§77.13 Construction or alteration requiring notice.

(a) Except as provided in §77.15, each sponsor who proposes any of the following construction or alteration shall notify the Administrator in the form and manner prescribed in §77.17:

(1) Any construction or alteration of more than 200 feet in height above the ground level at its site.

(2) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:

(i) 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of each airport specified in paragraph (a) (5) of this section with at least one runway more than 3,200 feet in actual length, excluding heliports.

(ii) 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of each airport specified in paragraph (a) (5) of this section with its longest runway no more than 3,200 feet in actual length, excluding heliports.

(iii) 25 to 1 for a horizontal distance of 5,000 feet from the nearest point of the nearest landing and takeoff area of each heliport specified in paragraph (a) (5) of this section.

(3) Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road, 23 feet for a railroad, and for a waterway or any other traverse way not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it, would exceed a standard of paragraph (a) (1) or (2) of this section.

(4) When requested by the FAA, any construction or alteration that would be in an instrument approach area (defined in the FAA standards governing instrument approach procedures) and available information indicates it might exceed a standard of Subpart C of this part.

(5) Any construction or alteration on any of the following airports (including heliports):

(i) An airport that is available for public use and is listed in the Airport Directory of the current Airman's Information Manual or in either the Alaska or Pacific Airman's Guide and Chart Supplement.

(ii) An airport under construction, that is the subject of a notice or proposal on file with the Federal Aviation Administration, and except for military airports, it is clearly indicated that that airport will be available for public use.

(iii) An airport that is operated by an armed force of the United States.

(b) Each sponsor who proposes construction or alteration that is the subject of a notice under paragraph (a) of this section and is advised by an FAA regional office that a supplemental notice is required shall submit that notice on a prescribed form to be received by the FAA regional office at least 48 hours before the start of construction or alteration.

(c) Each sponsor who undertakes construction or alteration that is the subject of a notice under paragraph (a) of this section shall, within 5 days after that construction or alteration reaches its greatest height, submit a supplemental notice on a prescribed form to the FAA regional office having jurisdiction over the region involved, if —

(1) The construction or alteration is more than 200 feet above the surface level of its site; or

(2) An FAA regional office advises him that submission of the form is required.

§77.15 Construction or alteration not requiring notice.

No person is required to notify the Administrator for any of the following construction or alteration:

(a) Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation.

(b) Any antenna structure of 20 feet or less in height except one that would increase the height of another antenna structure.

(c) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the Administrator, or an appropriate military service on military airports, the location and height of which is fixed by its functional purpose.

(d) Any construction or alteration for which notice is required by any other FAA regulation.

§77.17 Form and time of notice.

(a) Each person who is required to notify the Administrator under §77.13 (a) shall send one executed form set of FAA Form 7460-1, Notice of Proposed Construction or Alteration, to the Manager, Air Traffic Division, FAA Regional Office having jurisdiction over the area within which the construction or alteration will be located. Copies of FAA Form 7460-1 may be obtained from the headquarters of the Federal Aviation Administration and the regional offices.

(b) The notice required under §77.13 (a) (1) through (4) must be submitted at least 30 days before the earlier of the following dates —

(1) The date the proposed construction or alteration is to begin.

(2) The date an application for a construction permit is to be filed.

However, a notice relating to proposed construction or alteration that is subject to the licensing requirements of the Federal Communications Act may be sent to the FAA at the same time the application for construction is filed with the Federal Communications Commission, or at any time before that filing.

(c) A proposed structure or an alteration to an existing structure that exceeds 2,000 feet in height above the ground will be presumed to be a hazard to air navigation and to result in an inefficient utilization of airspace and the applicant has the burden of overcoming that presumption. Each notice submitted under the pertinent provisions of this part 77 proposing a structure in excess of 2,000 feet above ground, or an alteration that will make an existing structure exceed that height, must contain a detailed showing, directed to meeting this burden. Only in exceptional cases, where the FAA concludes that a clear and compelling showing has been made that it would not result in an inefficient utilization of the airspace and would not result in a hazard to air navigation, will a determination of no hazard be issued.

(d) In the case of an emergency involving essential public services, public health, or public safety that requires immediate construction or alteration, the 30 day requirement in paragraph (b) of this section does not apply and the notice may be sent by telephone, telegraph, or other expeditious means, with an executed FAA Form 7460-1 submitted within five (5) days thereafter. Outside normal business hours, emergency notices by telephone or telegraph may be submitted to the nearest FAA Flight Service Station.

(e) Each person who is required to notify the Administrator by paragraph (b) or (c) of §77.13, or both, shall send an executed copy of FAA Form 7460-2, Notice of Actual Construction or Alteration, to the Manager, Air Traffic Division, FAA Regional Office having jurisdiction over the area involved.

ADDRESSES OF THE REGIONAL OFFICES

Alaska Region
AK
Alaskan Regional Office
Air Traffic Division, AAL-530
222 West 7th Avenue
Anchorage, AK 99513
Tel: 907-271-5893

Central Region
IA, KS, MO, NE
Central Regional Office
Air Traffic Division, ACE-520
60 East 12th Street
Kansas City, MO 64106
Tel: 816-426-3408 or 3409

Eastern Region
DC, DE, MD, NJ, NY, PA, VA, WV
Eastern Regional Office
Air Traffic Division, AEA-520
JFK International Airport
Fitzgerald Federal Building
Jamaica, NY 11430
Tel: 718-553-2616

Great Lakes Region
IL, IN, MI, MN, ND, OH, SD, WI
Great Lakes Regional Office
Air Traffic Division, AGL-520
2300 East Devon Avenue
Des Plaines, IL 60018
Tel: 847-294-7568

New England Region
CT, MA, ME, NH, RI, VT
New England Regional Office
Air Traffic Division, ANE-520
12 New England Executive Park
Burlington, MA 01803-5299
Tel: 781-238-7520

Northwest Mountain Region
CO, ID, MT, OR, UT, WA, WY
Northwest Mountain Regional Office
Air Traffic Division, ANM-520
1601 Lind Avenue, SW
Renton, WA 98055-4056
Tel. 425-227-2520

Southern Region
AL, FL, GA, KY, MS, NC, PR, SC, TN, VI
Southern Regional Office
Air Traffic Division, ASO-520
1701 Columbia Avenue
College Park, GA 30337
Tel: 404-305-5585

Southwest Region
AR, LA, NM, OK, TX
Southwest Regional Office
Air Traffic Division, ASW-520
2601 Meacham Boulevard
Fort Worth, TX 76137-0520
Tel: 817-222-5531

Western Pacific Region
HI, CA, NV, AZ, GU
Western-Pacific Regional Office
Air Traffic Division, AWP-520
15000 Aviation Boulevard
Hawthorne, CA 90260
Tel: 310-725-6557

INSTRUCTIONS FOR COMPLETING FAA FORM 7460-1

PLEASE TYPE or PRINT

ITEM #1. Please include the name, address, and phone number of a personal contact point as well as the company name.

ITEM #2. Please include the name, address, and phone number of a personal contact point as well as the company name.

ITEM #3. New Construction would be a structure that has not yet been built.

Alteration is a change to an existing structure such as the addition of a side mounted antenna, a change to the marking and lighting, a change to power and/or frequency, or a change to the height. The nature of the alternation shall be included in **ITEM #21** "Complete Description of Proposal".

Existing would be a correction to the latitude and/or longitude, a correction to the height, or if filing on an existing structure which has never been studied by the FAA. The reason for the notice shall be included in **ITEM #21** "Complete Description of Proposal".

ITEM #4. If Permanent, so indicate. If Temporary, such as a crane or drilling derrick, enter the estimated length of time the temporary structure will be up.

ITEM #5. Enter the date that construction is expected to start and the date that construction should be completed.

ITEM #6. Please indicate the type of structure. DO NOT LEAVE BLANK.

ITEM #7. In the event that obstruction marking and lighting is required, please indicate type desired. If no preference, check "other" and indicate "no preference". DO NOT LEAVE BLANK. ***NOTE: High intensity lighting shall be used only for structures over 500' AGL.*** In the absence of high intensity lighting for structures over 500' AGL, marking is also required.

ITEM #8. If this is an existing tower that has been registered with the FCC, enter the FCC Antenna Structure Registration number here.

ITEM #9. and **#10.** Latitude and longitude must be geographic coordinates, accurate to within the nearest second or to the nearest hundredth of a second if known. Latitude and longitude derived solely from **a hand-held GPS instrument is NOT acceptable.** A hand-held GPS is only accurate to within 100 meters *(328 feet)* 95 per cent of the time. This data, when plotted, should match the site depiction submitted under **ITEM #20**.

ITEM #11. NAD 83 is preferred; however, latitude/longitude may be submitted in NAD 27. Also, in some geographic areas where NAD 27 and NAD 83 are not available other datums may be used. It is important to know which datum is used. DO NOT LEAVE BLANK.

ITEM #12. Enter the name of the nearest city/state to the site. If the structure is or will be in a city, enter the name of that city/state.

ITEM #13. Enter the **full** name of the nearest public-use ***(not private-use)*** airport ***(or heliport)*** or military airport ***(or heliport)*** to the site.

ITEM #14. Enter the distance **from** the airport or heliport listed in **#13 to the structure.**

ITEM #15. Enter the direction **from** the airport or heliport listed in **#13 to the structure.**

ITEM #16. Enter the site elevation above mean sea level and expressed in **whole feet** rounded to the nearest foot (e.g. 17' 3" rounds to 17', 17' 6" rounds to 18'). This data should match the ground contour elevations for site depiction submitted under **ITEM #20**.

ITEM #17. Enter the total structure height **above ground level** in **whole feet** rounded to the **next highest foot** (e.g. 17' 3" rounds to 18'). **The total structure height shall include anything mounted on top of the structure, such as antennas, obstruction lights, lightning rods, etc.**

ITEM #18. Enter the overall height above mean sea level and expressed in **whole feet.** This will be the total of **ITEM #16 + ITEM #17.**

ITEM #19. If an FAA aeronautical study was previously conducted, enter the previous study number.

ITEM #20. Enter the relationship of the structure to roads, airports, prominent terrain, existing structures, etc. Attach an 8-1/2" X 11" non-reduced copy of the appropriate 7.5 minute U.S. Geological Survey *(USGS)* Quadrangle Map MARKED WITH A PRECISE INDICATION OF THE SITE LOCATION. To obtain maps, Contact USGC at 1-800-435-7627 or via Internet at "http://mapping.usgs.gov". If available, attach a copy of a documented site survey with the surveyor's certification stating the amount of vertical and horizontal accuracy in feet.

ITEM #21.

- For transmitting stations, include maximum effective radiated power *(ERP)* and all frequencies.
- For antennas, include the type of antenna and center of radiation *(Attach the antenna pattern, if available).*
- For microwave, include azimuth relative to true north.
- For overhead wires or transmission lines, include size and configuration of wires and their supporting structures *(Attach depiction).*
- For **each** pole/support, include coordinates, site elevation, and structure height above ground level or water.
- For buildings, include site orientation, coordinates of **each** corner, dimensions, and construction materials.
- For alterations, explain the alteration thoroughly.
- For existing structures, thoroughly explain the reason for notifying the FAA *(e.g. corrections, no record of previous study, etc.).*

Filing this information with the FAA does not relieve the sponsor of this construction or alteration from complying with any other federal, state or local rules or regulations. If you are not sure what other rules or regulations apply to your proposal, contact local/state aviation and zoning authorities.

Paperwork Reduction Work Act Statement: This information is collected to evaluate the effect of proposed construction or alteration on air navigation and is not confidential. Providing this information is mandatory for anyone proposing construction or alteration that meets or exceeds the criteria contained in 14 CFR , part 77. We estimate that the burden of this collection is an average 19 minutes per response. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control number for this collection is 2120-0001.

Please Type or Print on This Form

Form Approved OMB No. 2120-0001

U.S. Department of Transportation
Federal Aviation Administration

Failure To Provide All Requested Information May Delay Processing of Your Notice

Notice of Proposed Construction or Alteration

FOR FAA USE ONLY
Aeronautical Study Number

1. Sponsor *(person, company, etc. proposing this action)* :
Attn.of:
Name:
Address:
City: State: Zip:
Telephone: Fax:

2. Sponsor's Representative *(if other than #1)* :
Attn.of:
Name:
Address:
City: State: Zip:
Telephone: Fax:

3. Notice of: ☐ New Construction ☐ Alteration ☐ Existing

4. Duration: ☐ Permanent ☐ Temporary (____months, ____days)

5. Work Schedule: Beginning End

6. Type: ☐ Antenna Tower ☐ Crane ☐ Building ☐ Power Line
☐ Landfill ☐ Water Tank ☐ Other

7. Marking/Painting and/or Lighting Preferred:
☐ Red Lights and Paint ☐ Dual - Red and Medium Intensity White
☐ White - Medium Intensity ☐ Dual - Red and High Intensity White
☐ White - High Intensity ☐ Other

8. FCC Antenna Structure Registration Number *(if applicable)*:

9. Latitude: ____ o ____ ' ____ . ____ "

10. Longitude: ____ o ____ ' ____ . ____ "

11. Datum: ☐ NAD 83 ☐ NAD 27 ☐ Other

12. Nearest: City: State:

13. Nearest *Public-use* *(not private-use)* or Military Airport or Heliport:

14. Distance from #13. to Structure:

15. Direction from #13. to Structure:

16. Site Elevation *(AMSL)*: ft.

17. Total Structure Height *(AGL)*: ft.

18. Overall Height *(#16. + #17.) (AMSL)*: ft.

19. Previous FAA Aeronautical Study Number *(if applicable)*:
– OE

20. Description of Location: *(Attach a USGS 7.5 minute Quadrangle Map with the precise site marked and any certified survey.)*

21. Complete Description of Proposal:

Frequency/Power (kW)	

Notice is required by 14 Code of Federal Regulations, part 77 pursuant to 49 U.S.C., Section 44718. Persons who knowingly and willingly violate the notice requirements of part 77 are subject to a civil penalty of $1,000 per day until the notice is received, pursuant to 49 U.S.C., Section 46301 (a).

I hereby certify that all of the above statements made by me are true, complete, and correct to the best of my knowledge. In addition, I agree to mark and/or light the structure in accordance with established marking & lighting standards as necessary.

Date	Typed or Printed Name and Title of Person Filing Notice	Signature

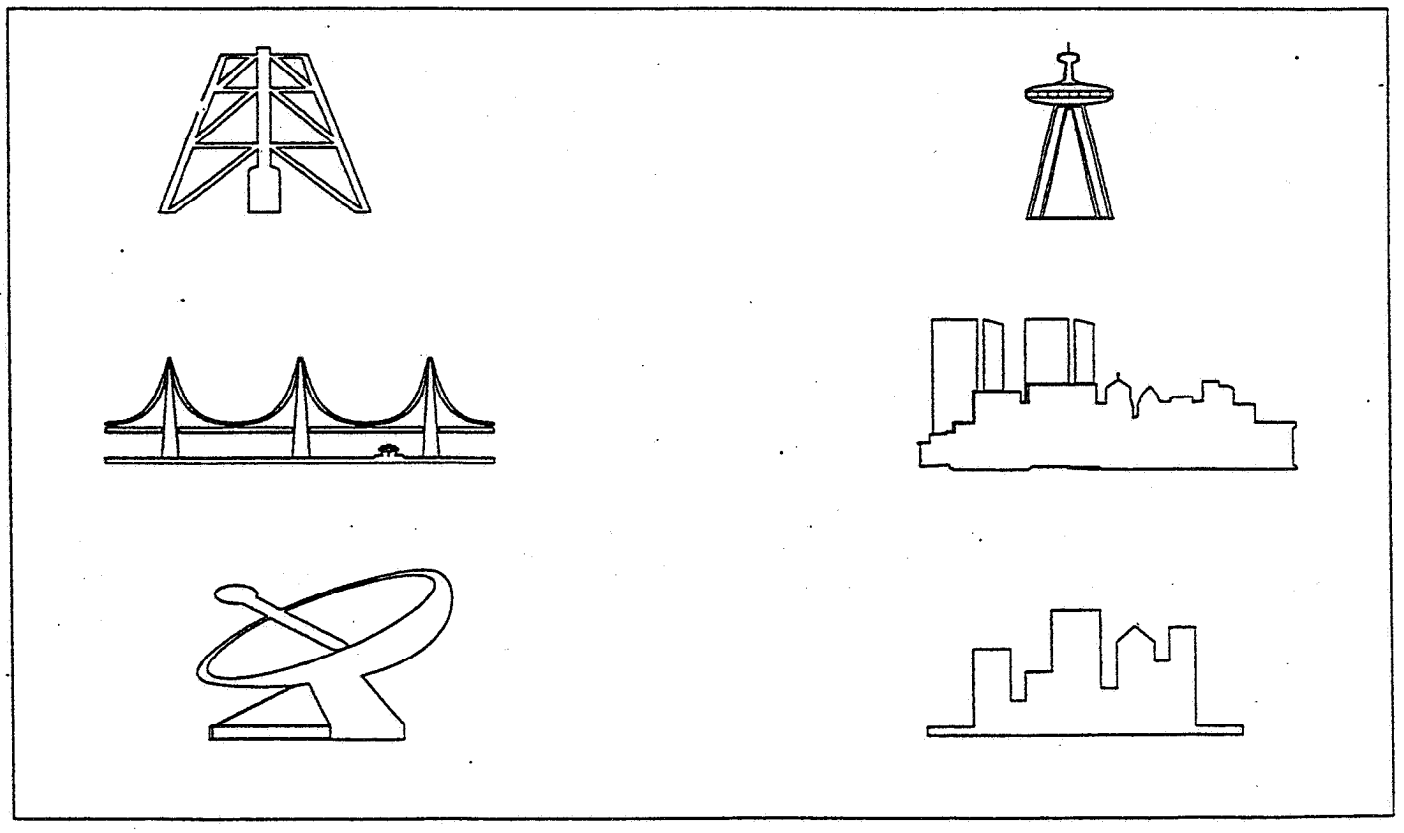
U.S. Department
of Transportation

Federal Aviation Administration

ADVISORY CIRCULAR

AC 70/7460-2K

Proposed Construction or Alteration of Objects that May Affect the Navigable Airspace



Effective: March 1, 2000

Prepared by the Air Traffic
Airspace Management Program

U.S. Department of Transportation

Federal Aviation Administration

ADVISORY CIRCULAR

Subject: PROPOSED CONSTRUCTION OR ALTERATION OF OBJECTS THAT MAY AFFECT THE NAVIGABLE AIRSPACE

Date: 3/1/00 **AC No:** 70/7460.2K

Initiated by: ATA-400

1. PURPOSE.

This Advisory Circular (AC) provides information to persons proposing to erect or alter an object that may affect the navigable airspace. The AC also explains the requirement to notify the Federal Aviation Administration (FAA) before construction begins and FAA's responsibility to respond to these notices in accordance with Title 14 Code of Federal Regulations (14 CFR) part 77, Objects Affecting Navigable Airspace. Additionally, the AC explains the process by which to petition the FAA's Administrator for discretionary review of the determinations issued by the FAA.

2. CANCELLATION.

AC 70/7460-2J, Proposed Construction or Alteration of Objects That May Affect the Navigable Airspace, dated 11/29/95, is cancelled.

3. BACKGROUND/AUTHORITY.

a. 49 U.S.C. Section 44718 mandates, in pertinent part, that "The Secretary of Transportation shall require a person to give adequate public notice...of the construction or alteration, establishment or extension, or the proposed construction, alteration, establishment, or expansion, of any structure...when the notice will promote:

(1) safety in air commerce, and

(2) the efficient use and preservation of the navigable airspace and of airport traffic capacity at public-use airports."

b. To this end, 14 CFR Part 77 was issued prescribing that notice shall be given to the Administrator of certain proposed construction or alteration.

4. EFFECTIVE DATE.

This advisory circular becomes effective March 1, 2000.

5. NOTICES.

a. WHY IS NOTIFICATION REQUIRED?

In administering 14 CFR Part 77, the FAA's prime objectives are to ensure the safe and efficient use of the navigable airspace. The FAA recognizes that there are varied demands for the use of airspace, both by aviation and nonaviation interests. When conflicts arise out of construction proposals, the FAA emphasizes the need for conserving the navigable airspace. Therefore, early notice of proposed construction or alteration provides the FAA the opportunity to:

(1) Recognize potential aeronautical hazards to minimize the adverse effects to aviation.

(2) Revise published data or issue a Notice to Airmen (NOTAM) to alert pilots to airspace or procedural changes made as a result of the structure.

(3) Recommend appropriate marking and lighting to make objects visible to pilots. Before filing FAA Form 7460-1, Notice of Proposed Construction or Alteration, construction sponsors should become knowledgeable in the different types of obstruction marking and lighting systems that meet FAA standards. Information about these systems can be obtained from the manufacturers. Proponents can then determine which system best meets their needs based on purchase, installation, and maintenance costs. The FAA will make every effort to accommodate the request.

(4) Depict obstacles on aeronautical charts for pilotage and safety.

b. WHO MUST FILE NOTICE?

Any person or an agent who intends to sponsor construction is required to submit notice to the Administrator if the proposed construction or alteration falls within any of the following categories:

(1) *Greater than 200 feet in height.* The proposed object would be more than 200 feet above ground level (AGL) at its location.

NOTE-
See FIG 1 and FIG 2.

Greater Than 200 Feet AGL at Object's Location [Over Land]

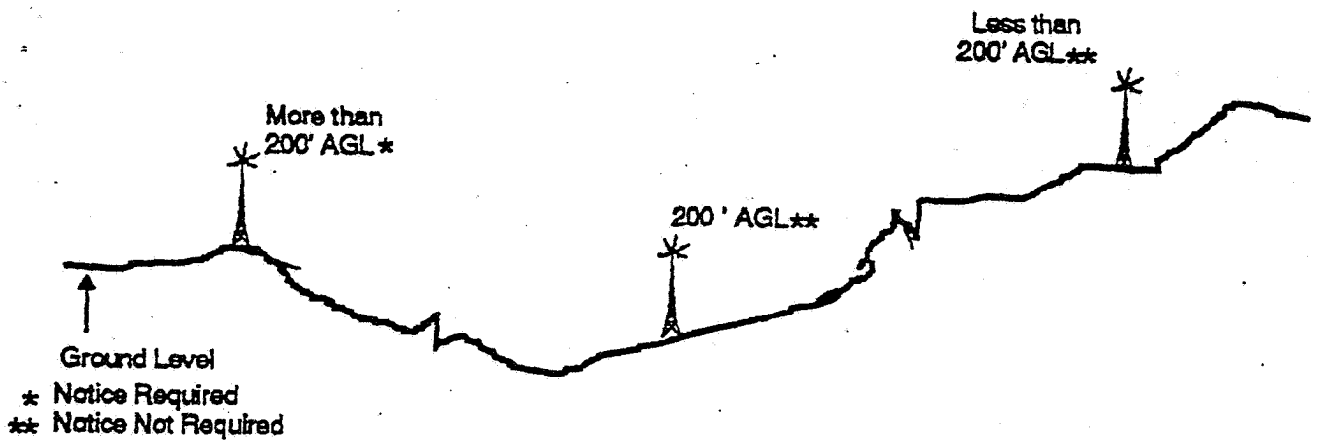
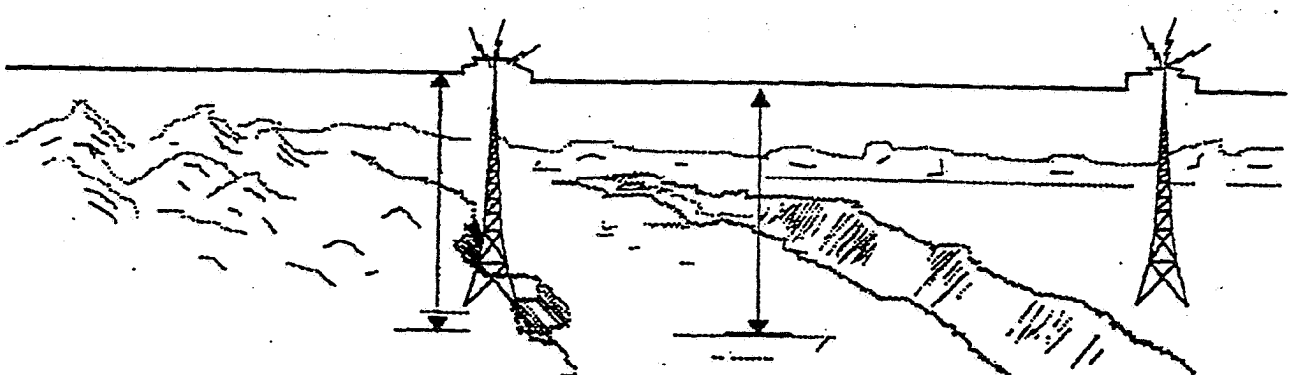


FIG 1

Greater Than 200 Feet AGL at Object's Location [Over Water]



FOR ANY STRUCTURE MORE THAN 200 FEET ABOVE THE SUFACE LEVEL OF ITS SITE (MEASURED FROM LOW WATER LEVEL WHEN CATENARY IS OVER WATER)

FIG 2

(2) *Near a Public-Use or Military Airport, Heliport, or Seaplance Base.* A public use airport, heliport or a seaplane base with visually marked seaplanes that is listed in the current Airport Facility Directory, the Alaska Supplement or the Pacific Chart Supplement, or near an airport operated by an armed force of the United States.

(a) *Airport or Seaplane Base.* The proposed object or alteration would be within:

(1) 20,000 feet of an airport or seaplane base with at least one runway more than 3,200 feet in length and the object would exceed a slope of 100:1 horizontally (100 feet horizontally for each 1 foot vertically) from the nearest point of the nearest runway.

(2) 10,000 feet of an airport or seaplane base that does not have a runway more than 3,200 feet in length and the object would exceed a 50:1 horizontal slope (50 feet horizontally for each 1 foot vertically) from the nearest point of the nearest runway.

NOTE-
See FIG 3.

Object Penetrates Airport/Seaplanes Base Surface

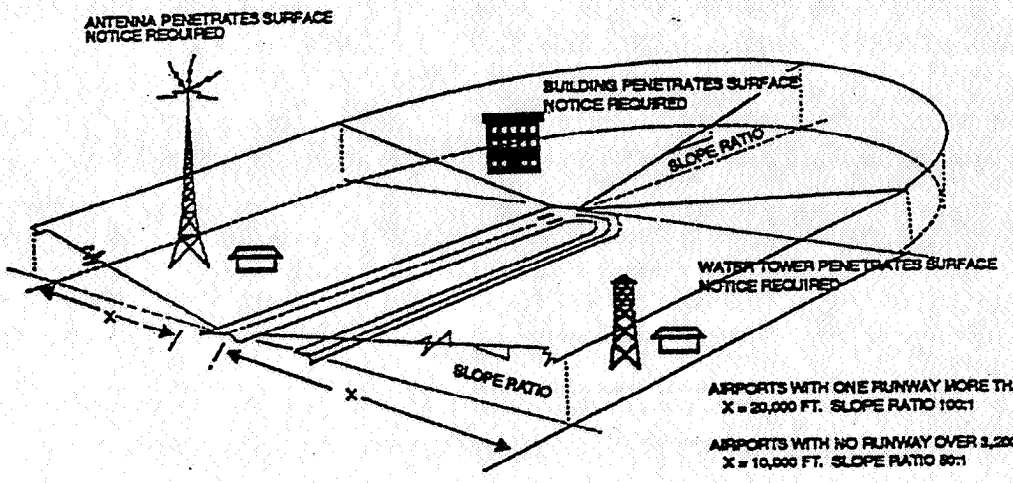


FIG 3

(b) *Heliport.* The proposed object would be within 5,000 feet of a heliport and would exceed a 25:1 horizontal slope (25 feet horizontally for each 1 foot vertically) from the nearest landing and takeoff area of that heliport.

NOTE-
See FIG 4.

Object Penetrates Heliport Surface

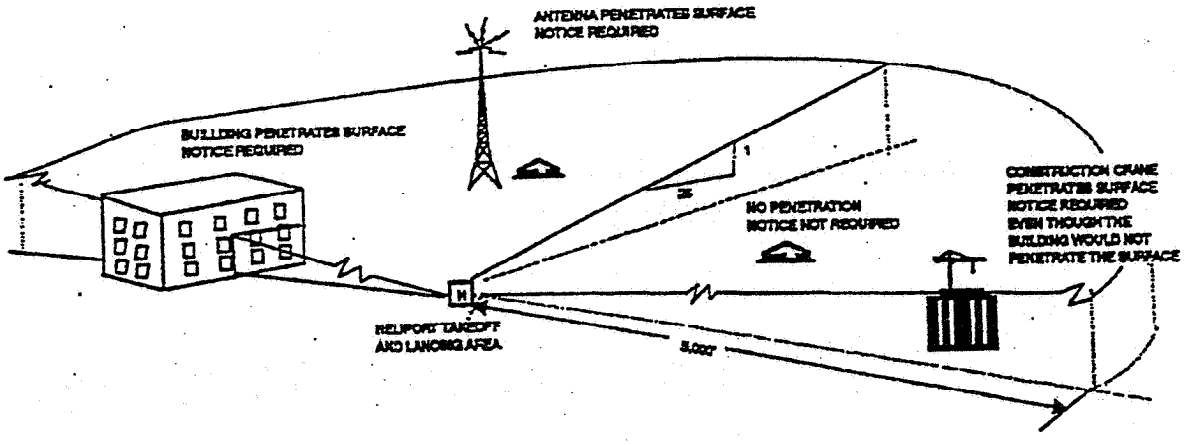


FIG 4

(3) Highways and Railroads. The proposed object is a traverse way which would exceed one or more of the standards listed in paragraphs a and b above, after the height of the object is adjusted upward as follows:

(a) Private road: 10 feet or the height of the highest mobile object that would traverse the roadway, whichever is greater.

(b) Other public roadways: 15 feet.

(c) Interstate Highways: 17 feet.

(d) Railroad: 23 feet.

(e) Waterway or any other thoroughfare not previously mentioned: an amount equal to the highest mobile object that would traverse the waterway or thoroughfare.

NOTE-
See FIG 5.

Proposed Object in a Traverse Way

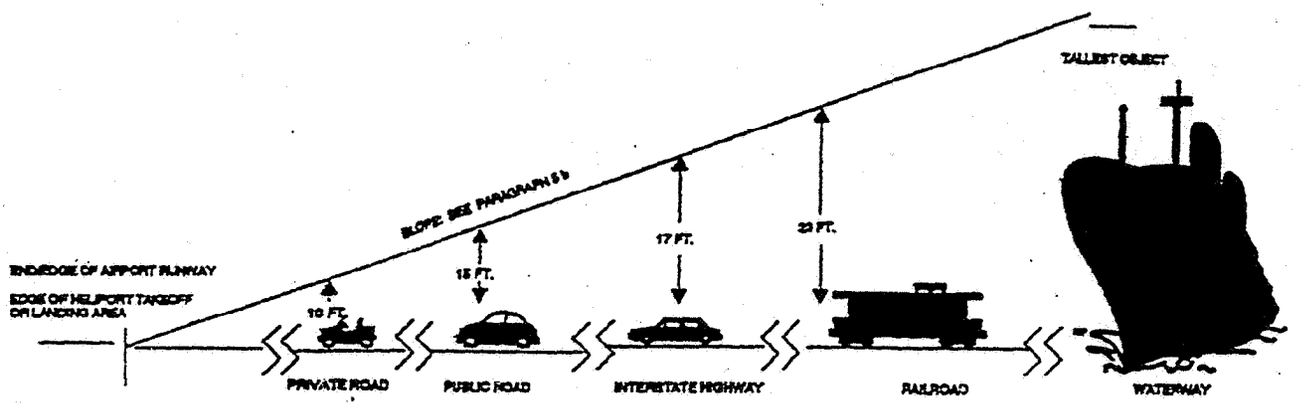


FIG 5

(4) *Objects on a Public-Use or Military Airport or Heliport.* The proposed construction or alteration would be on an airport or heliport, or any airport operated by an armed force of the United States, regardless of height or location.

(5) *When Requested by the FAA.* The FAA may request notice if available information indicates the proposal may exceed an obstruction standard or the proposal may cause electromagnetic interference to aircraft, particularly construction associated with an AM, FM, or TV station including a change in authorized frequency or transmitting power, may cause transmitted signals to be reflected upon ground-based or airborne air navigation communications equipment, or affect instrument procedures. In addition, notice may be requested when the proposal may affect an air traffic control procedure, may obstruct air traffic controllers' line of sight capability, or may affect air traffic control radar.

c. WHAT KIND OF STRUCTURES REQUIRE FAA NOTIFICATION?

The following are examples of structures requiring notice to the FAA.

(1) Proposed construction or alteration of structures such as:

(a) Buildings.

(b) Antenna Towers.

(c) Roadways.

(d) Overhead communications and transmission lines as well as the height of the supporting structures.

(e) Water towers and the supporting structure.

(2) Construction equipment or other temporary structures such as:

(a) Cranes.

(b) Derricks.

(c) Stockpiles of equipment.

(d) Earth moving equipment.

d. WHEN MUST NOTICES BE FILED?

Notice must be submitted:

(1) At least 30 days before the earlier of the following:

(a) The date the proposed construction or alteration is to begin, or

(b) The date the application for a construction permit will be filed.

(2) On or before the date the application for construction is filed with the Federal Communications Commission (FCC), if the proposed structure is subject to FCC licensing requirements.

(3) Immediately by telephone or other expeditious means to the nearest FSS, with written notification submitted within 5 days thereafter, if immediate construction or alteration is required as in cases involving public services, health or safety.

(4) As early as possible in the planning stage but not less than 30 days before construction will begin.

e. HOW AND WHERE TO FILE NOTICE.

Notification of the proposal should be made on FAA Form 7460-1, Notice of Proposed Construction or Alteration. Additional information such as charts and/or drawings that accurately depict the proposed construction or alteration should be included to

facilitate the FAA's analysis of the project. The completed form should be mailed to the Manager, Air Traffic Division, of the regional office having jurisdiction over the area within which the construction or alteration will occur.

NOTE-
Information on regional addresses may be found on the FAA's website at www.faa.gov/ats/ata/ata-400/oeaaa.htm or contact the FAA listed in local telephone books under United States Government.

f. PENALTY FOR FAILING TO PROVIDE NOTICE.

Persons who knowingly and willfully violate the notice requirements of 14 CFR part 77 are subject to a civil penalty.

g. COMPLIANCE RESPONSIBILITY.

A notice filed with the FAA does not relieve the proponent of compliance with laws, ordinances or regulations of any other Federal, state or local governmental entity.

h. ASSOCIATED PUBLICATIONS.

The following publications contain obstruction criteria, marking and lighting standards and specifications for lighting and paint.

(1) *Federal Aviation Regulations 14 CFR, part 77, Objects Affecting Navigable Airspace.* This part sets forth the requirements for notice to the FAA of proposed construction or alteration and provides standards for determining obstructions to navigable airspace. 14 CFR, part 77 (Stock No. 050-007-00276-9) may be ordered from:

Superintendent of Documents
U. S. Government Printing Office
Washington, DC 20402

(2) *Advisory Circulars.* FAA advisory circulars are available free of charge from:

Department of Transportation
TASC
Subsequent Distribution Office,
SVC-121.23
Ardmore East Business Center
3341 Q 75th Avenue
Landover, MD 20785

(a) *AC 70/7460-1,* Obstruction Marking and Lighting, describes the standards for marking and lighting structures such as buildings, chimneys, antenna towers, cooling towers, storage tanks, supporting structures of overhead wires, etc.

(b) *AC 150/5190-4,* A Model Zoning Ordinance to Limit Height or Objects Around Airports, provides a model-zoning ordinance to be used as a guide to control the height of objects around airports.

(c) *AC 150/5300-13,* Airport Design, includes planning information on electronic and visual navigational aids and air traffic control facility siting and clearance requirements that influence the physical layout of airports.

(d) *AC 150/5345-53,* Airport Lighting Equimpent Certification Program, addendum lists equipment model numbers and manufacturer's part numbers in compliance with item (e) below. The addendum is located on the Internet at the Office of Airports homepage: http://www.faa.gov/arp/arphome.htm under Advisory Circulars.

(e) *AC 150/5345-43,* Specification for Obstruction Lighting Equipment, contains specifications for equipment used in obstruction lighting systems.

(3) *Marking Specifications and Standards.* Aviation colors and paint standards and specifications are available from:

General Services Administration
Specifications Section
470 L'Enfant Plaza, Suite 8214
Washington, DC 20407

(4) *FAA Forms.* FAA forms are available free of charge from all FAA regional offices.

(a) *FAA Form 7460-1, Notice of Proposed Construction or Alteration,* is used to notify the FAA of proposed construction or alteration of an object that may affect the navigable airspace.

(b) *FAA Form 7460-2, Notice of Actual Construction or Alteration,* is used to notify the FAA of progress or abandonment, as requested on the form. The FAA regional office routinely includes this form with a determination when such information will be required. The information is used for charting purposes, to change affected aeronautical procedures and to notify pilots of the location of the structure.

i. ADMINISTRATIVE ASSISTANCE TO CONSTRUCTION PROPONENTS.

(1) Airspace specialists are available in each regional office to assist proponents in filing their notice. Proponents are encouraged to call in advance for appointments. Limited resources often prevent the specialist from responding spontaneously without advanced planning or preparation.

(2) To insure timely determinations, construction proponents must submit complete and accurate data. Lack of complete and accurate data could result in the return of the form. United States Geological Survey quadrangle maps are available at nominal costs to aid in determining

the geographical coordinates (latitude/longitude) and site elevation above mean sea level. The latitude/longitude information should be submitted in North American Datum of 1983. The quadrangle maps can be obtained from:

U.S. Geological Survey
Reston, Virginia 22092
Telephone No. (703) 860-6045

U.S. Geological Survey
District Branch
P.O. Box 25286, Bldg. #41
Denver, Colorado 80225
Telephone No. (303) 844-4169

(3) Airport planners are available for assistance with construction proposals on Federally obligated airports.

(4) Proposals for electronic transmitting devices should include frequency, effective radiated power (ERP), radiation center height (RCAMSL), and antenna characteristics such as number of bays, beam tilt, and null fill.

6. FAA's RESPONSIBILITY.

a. The FAA will acknowledge receipt of the notice.

b. After initial screening, the outcome of the screening will be sent to the filer and may state one of the following:

(1) The proposal is not identified as an obstruction and would not be a hazard to air navigation, or

(2) The proposal would be an obstruction unless reduced to a specified height and is presumed to be a hazard to air navigation pending further study. When this is indicated, the acknowledgement will either specify that the FAA has initiated further study, or the proponent may elect to reduce the height or request further study within (sixty) 60 days, in which event, the FAA will begin the study when the proponent so advises.

c. If further aeronautical study is initiated, public notice may be prepared and distributed for comments to those agencies, organizations, or individuals with known aeronautical interests to determine if the proposal would be a hazard to air navigation. State and local aviation authorities, as well as various military organizations of the Department of Defense, are also offered the opportunity to comment on the aeronautical effects of the proposal.

d. All responses received by the end of the specified comment period are analyzed by the FAA regional specialists for valid aeronautical comments and objections.

e. The office conducting the study may decide to conduct an informal airspace meeting with interested parties to discuss the effects of the proposal and to gather additional facts or information relevant to the study.

f. The FAA specialists may negotiate with the proponent during the study process to resolve any adverse effect(s) on aeronautical operations. Many times, a minor reduction in height and/or relocation of a proposed structure will eliminate or sufficiently minimize adverse aeronautical effects that would permit the issuance of a Determination of No Hazard to Air Navigation.

g. After the aeronautical study is completed, the regional office will normally issue a:

(1) Determination of Hazard to Air Navigation; or

(2) Determination of No Hazard to Air Navigation.

h. An FAA determination is a conclusion based on the study of a structure's projected impact on the safe and efficient use of the navigable airspace by aircraft. It should not be construed as an approval or disapproval of the project.

i. The FAA usually recommends marking and/or lighting of a structure when its height exceeds 200 feet above ground level (AGL) or exceeds Part 77 obstruction criteria. However, the FAA may recommend marking and/or lighting of a structure that does not exceed 200 feet AGL or Part 77 obstruction standards because of its particular location.

7. HOW TO PETITION THE ADMINISTRATOR FOR DISCRETIONARY REVIEW.

a. When a determination is issued under 14 CFR Section 77.19(except Section 77.19 c.)(1)), or Section 77.35 or when a revision or extension is issued under Section 77.39 (c), you may petition the FAA Administrator for a review of the determination, revision, or extension if you:

(1) Are the sponsor of the proposed construction or alteration,

(2) Stated a substantial aeronautical objection to the proposal during an aeronautical study, or

(3) Have a substantial aeronautical objection but were not given an opportunity to state it.

b. The petition must be submitted within 30 days after the issue date of the determination, revision, or extension and must contain a full statement of the basis upon which it is made. Submit an original and two copies to:

Manager, Airspace and Rules
Division, ATA-400
Federal Aviation Administration
800 Independence Avenue, SW
Washington, DC 20591

Nancy Kalinowski
for John S. Walker

Program Director, Air Traffic
Airspace Management Program

ALUC **Airport Land Use Commission**
SANTA CLARA COUNTY
County Government Center, East Wing, 70 West Hedding Street, 7th Floor, San Jose, California 95110
(408) 299-2521 • FAX (408) 279-8537

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May 22, 2003

Ms. Janis Moore
City of San Jose
Department of Planning, Building and Code Enforcement
801 N. First St., Room 400
San Jose, CA 95110-1795

Re: City of San Jose File No. PDC98-104: Draft Environmental Impact Report for the FMC Planned Development Rezoning (SCH# 1999122059)

Dear Ms. Moore:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the above-referenced project. The project site lies within the Airport Land Use Commission's (ALUC) referral boundary for San Jose International Airport (SJIA) and is subject to a determination of consistency with the policies as defined in the ALUC *Land Use Plan for Areas Surrounding Santa Clara County Airports*. ALUC staff offers the following comments for your consideration.

ALUC Safety Zones

The southeasterly corner of the project site, approximately nine acres, lies within the Safety Zone for Runway 11-29 of SJIA. ALUC policies for SJIA safety zones restrict the density of usage allowed to an average of 10 persons per acre and a maximum of 25 persons per acre at any given time. The policies further restrict land uses to those that are nonresidential, and prohibit the storage of more than 100 gallons of flammable materials per acre. G1

Land uses typically favored within an adopted safety zone are those that provide a very low density of use, are not noise sensitive, and do not present a potential aviation hazard from glare or other sources. Uncovered parking, single-story warehousing, and non-hazardous equipment storage are examples of urban uses typically compatible with airport safety zones. G2

The DEIR states that no structures are proposed for the nine acres of the site occurring within the safety zone, and that parking may be placed in that area. The proposed parking uses, preferably uncovered, would be consistent with ALUC safety zone policies.

Land Use/Noise Impacts

The project proposes to construct 3 million square feet of office, research and development, retail and hotel space on a 92.5 gross-acre site. The ALUC *Land Use Plan* defines these uses as "commercial". Figure 15 in the DEIR uses the City of San Jose's projected 2006 Noise Exposure Map to determine the location of the various CNEL noise contours that affect the project site. The noise contour levels on the site range from 55 dB CNEL to 75 dB CNEL. According to Table 1: *Land Use Compatibility Chart for Aircraft Noise in the Vicinity of San Jose International Airport* in the ALUC *Land Use Plan*, commercial uses are considered "satisfactory" up to the 65 contour. Between the 65 and 75 contour, they are considered "cautionary", and can be considered only when noise insulation needs have been carefully reviewed. G3

The DEIR has identified mitigation measures to reduce potential interior noise impacts from aviation and other sources to a less than significant level. These include development restrictions consistent with ALUC noise and land use policies as described in Table 1 and noise attenuation components that would ensure a maximum of 45 dB in interior office and hotel spaces.

Although the DEIR thoroughly discusses CNEL noise levels, it does not discuss Single Event Noise Exposure Levels (SENEL), as required by the *Land Use Plan*. The Final EIR should include a discussion of SENEL levels on the project site, and provide mitigation measures to achieve a maximum interior decibel reduction for both CNEL and SENEL levels for proposed development. G4

Height Impacts/Aviation Safety

The project site is located within a height-restricted area, and any resultant development would be subject to specific height limits established by the FAA and listed in the *Land Use Plan*. An avigation easement has already been recorded for the project site, and the specified height limits above mean sea level range from 108 feet on the southeastern portion of the site, to 208 feet on the northern and western portions of the site. This is consistent with ALUC policy requiring avigation easements for developments within airport referral areas. In addition, the site has been subject to a General Plan text amendment requiring development conform to established FAA surface height limitations. G5

The DEIR indicates that proposed building heights would not exceed FAA surface height limitations and would conform to the terms of the avigation easement. In addition, FAA height clearances would be obtained at the time of site development. This would be consistent with ALUC height policies.

ALUC staff requests a copy, when available, of the Final EIR, and requests that the City of San Jose refer the Planned Development Rezoning application to the ALUC when available. If you have any questions, please call me at (408) 299-5785.

Sincerely,

Derek Farmer
ALUC Staff Coordinator

cc: Cary Greene, San Jose International Airport
Sandy Hesnard, CalTrans Division of Aeronautics

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Santa Clara
All-America City
2002

Planning Division

RECEIVED
MAY 30 2003
CITY OF SAN JOSE
PLANNING DEPARTMENT
FAX – Rec'd. May 28 2003

May 27, 2003

Janis Moore
Department of Planning, Building & Code Enforcement
801 N. First Street, Room 400
San Jose, CA 95110-1795

Subject: Draft Environmental Impact Report for the FMC/Coleman Avenue Planned Development Rezoning, File# PDC98-104

Dear Ms. Moore:

The Planning Division has received and reviewed the Draft Environmental Impact Report (DEIR) for the above referenced project file. The following comments are provided to address the accuracy and adequacy of the environmental document for inclusion and response in the Final EIR.

Project Description

Throughout the DEIR, the project site is identified as the 92.5 acre FMC site. For the purpose of accuracy, the FMC site encompasses approximately 100.5 acres, of which 92.5 acres are located in the City of San Jose and eight acres are located in the City of Santa Clara. The project site consists of a 92.5-acre portion of the existing 100.5-acre FMC site located within the City of San Jose. H1

A single reference is made to gross acreage of the site, on page 60 of the document, in a discussion of parking supply and site development. The DEIR states that there are 9,990 parking spaces proposed across the 100-acre site with phased development of the proposed project. This is approximately a 1:300 parking ratio on a site that is adjacent to a major commuter rail alignment and bus service connection. Development on the eight-acre portion of the FMC site within the jurisdiction of Santa Clara will require separate review and approval. A discussion of the existing land use and zoning designation of this portion of the site and the entitlement process to allow development on the Santa Clara portion is absent from the discussion. To date, there have been no plans submitted to the City for review or consideration of parking on the eight-acre portion of the FMC site in Santa Clara. Therefore, the project needs to modify the parking numbers to accurately reflect the supply of parking spaces that would be developed on the 92.5-acre portion of the FMC site in the City of San Jose, or otherwise address Santa Clara's need to review a portion of the project. H2

Land Use Impacts

The DEIR does not examine or discuss the visual impacts to the view corridor across the site and along Coleman Avenue. H3

Traffic Impacts

The following comments related to the Transportation section of the DEIR have been incorporated at the request of the City's Traffic Engineering Department. H4

1. The intersection of Coleman and Brokaw is expected to improve under Background conditions due to programmed improvements. Please name specific programmed improvements.

1500 Warburton Avenue
Santa Clara, CA 95050
(408) 615-2450
FAX (408) 247-9857
www.ci.santa-clara.ca.us

2. The intersection of Coleman and Brokaw will experience very large traffic volume increases in the eastbound and westbound Coleman approaches, as shown in Appendix B, from the Existing condition to the Project condition. Please explain how the LOS at this intersection can improve (even with programmed improvements), considering the very large volume increases. H5

3. The intersection of De La Cruz and Central is shown to degrade (in the PM peak hour) by 24.1 seconds in delay and by a 0.029 V/C ratio, exceeding the thresholds of significance for CMP intersections. However, the text states that there is a "less than significant impact at this intersection". Please revise text and offer a mitigation for the obvious impact. H6

4. CMP Guidelines for evaluation of transit facilities shall consider six effects, with the 6th effect being "identification of facilities that provide better access to transit facilities". Please address the project's access to the future BART station. H7

5. CMP Guidelines for evaluation of bicycle and pedestrian facilities shall consider three issues, with the 3rd issue being "bicycle and pedestrian facilities that the Project proposes". Please address the project's bicycle and pedestrian facilities that allow access to the future BART station. H8

Vegetation and Wildlife Impacts

The DEIR states that the project would result in a significant loss of Burrowing Owl habitat. It further states that the loss of habitat resulting from the project is lessened by the existence of Burrowing Owl habitat at the San Jose Airport, in immediate proximity to the project site. This statement is in contrast to the biological report prepared by David Plumpton, of H.T. Harvey and Associates, dated May 23, 2000, in Appendix E. The DEIR finds that the project would result in a Significant Unavoidable Cumulative Impact. Based on all the information presented in the DEIR, it may be asserted that the project would result in a Significant Avoidable Cumulative Impact due to the failure to preserve open space for Burrowing Owl habitat in the site design of the project. The DEIR inadequately addresses site design to reduce impacts to Burrowing Owl habitat through preservation of open space for foraging and nesting on-site. The DEIR fails to provide a project alternative that examines the feasibility and impacts of increased building heights, smaller building footprints, subgrade parking to reduce loss and preservation of open space for of Burrowing Owl habitat. H9

As stated in the DEIR, the project may result in the loss off up to 127 ordinance size trees. The proposed mitigation is to replace ordinance size trees that are lost, damaged or cannot be incorporated into the site and landscape design. Mitigation includes replacement at a 2:1 ratio for 12"-17" size trees and 4:1 ratio for trees 18" or greater in diameter. The proposal includes 24" box replacement size trees to mitigate the loss of mature trees. The proposed mitigation of 24" box trees appears inadequate for the replacement of mature trees in excess of 18' in diameter. Mitigation should consider replacement of trees in excess of 18" in diameter with 48" box trees for fuller canopy cover, replacement habitat for bird and animal species, aesthetic design and reduction in surface heat island effects. H10

The DEIR does not identify tree preservation measures in the mitigation section to protect mature/ordinance size trees from damage or loss. The DEIR should specify mitigation and avoidance measures that prevent damage or loss to individual trees during the construction phases of development and include the requirement of a Tree Preservation and Protection Plan that identifies all the trees to be removed, relocated and preserved within the project boundaries. H11

Project Alternatives

The DEIR discusses the proposal to rezone the project site from HI to PD to allow redevelopment and new construction of up to three million square feet of office/R&D development and an undetermined amount of hotel, retail, and commercial uses. The DEIR also states that the proposed development shall conform to the development standards specified on the General Development Plan and permitted uses associated with the CP and IP zoning districts, outlined in Appendix H. The Development Plan and CP and IP uses would allow vehicle maintenance activities and commercial parking facilities in proximity to existing and future, local and regional commuter rail and bus service. The project site is located within the vicinity of the Santa Clara historic train depot that serves Caltrain, ACE and Capitol commuter rail service, and links with VTA bus service and employer shuttle service to Silicon Valley industries. This site is also adjacent to the future BART route alignment and terminal station, and Airport People-Mover. The proposed project would not allow residential uses. H12

As stated in the City's response to the NOP for this project, the proposal is sited and designed as a traditional office park development surrounded by surface parking. The project is primarily airport serving in function and layout and is not supportive of transit-oriented development. Car rental services and parking do not serve to reduce vehicle trips and auto traffic, nor does it promote the use of transit alternatives, pedestrian activity or bicycle use. The alternative section of the DEIR is inadequate in that it fails to explore, identify and elaborate on project alternatives that are transit-oriented that provide a mixture of commercial, residential and office related uses to promote pedestrian activity and reduce vehicle trips, traffic impacts and air-quality impacts of development. H13

The DEIR is inadequate in that it fails to identify alternatives to the proliferation of surplus parking and liberal parking ratios given the proximity to local and regional transit connections. A mixed-use alternative that includes jobs, housing, pedestrian links, bicycle lanes and street connectivity to the future BART station and street network should be examined for associated impacts and feasibility. If the goal, as stated in the DEIR, of the project is to be pedestrian serving and support the policies of the City's General Plan to bring jobs and housing together for in-fill development, then an alternative to the project as proposed should include a mix of uses that are transit supportive in design and function. H14

As evidenced from the above comments, there are some inaccuracies and inadequacies that require comment and elaboration to accurately inform the public and decision-makers of project related impacts posed by the proposed development on the FMC site. We look forward to receiving the FEIR for review and will continue to maintain an open dialogue concerning planning related activities surrounding the project area. Thank you for the opportunity to comment. Should you have any questions, please contact Debby Fernandez, Assistant Planner, or myself at 408-615-2450, or via e-mail at Planning@ci.santa-clara.ca.us. H15

Sincerely,

Art Henriques

Arthur Henriques
City Planner

cc: Geoffery Goodfellow, Director of Planning and Inspection
Jennifer Sparacino, City Manager
Kevin Riley, Principal Planner
Dave Pitton, Traffic Engineer

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STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY GRAY DAVIS, Governor

DEPARTMENT OF TRANSPORTATION
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June 2, 2003

SCL-880-2.67
SCL 880198
SCH 1999122059

Ms. Janis Moore
City of San Jose
801 North First Street
San Jose, CA 95110-1795

Dear Ms. Moore:

FMC / Coleman Avenue Planned Development Rezoning (PDC98-104) - Draft Environmental Impact Report (DEIR)

Thank you for including the California Department of Transportation (Department) in the environmental review process for the proposed project. The following comments are based on the Draft Environmental Impact Report (DEIR).

Operations:

1) The DEIR page 50 and Appendix B page 53, lists 16 freeway segments at 20 locations that will operate below acceptable conditions Level of Service (LOS) F with the project. Table 13 of Appendix B lists 27 locations that will operate at LOS F. Please clarify this discrepancy. I1

2) Pages 45, 46, 48, 119, 120, and Table 4 of the DEIR states "...intersections are expected to operate at an acceptable level of service, with the exception of..." The acceptable LOS is not consistent. The listed intersections should be consistent in both description and operation throughout the report. I2

3) Analysis of on-ramps and off-ramps should be completed for the freeway segments that will be significantly impacted by the proposed project to determine the effect that ramp operations will have on the freeway system. Any queuing on the freeway caused by the additional trips generated from the proposed project should be mitigated. I3

Trip Generation:

1) Project completion (2005) was utilized as the base year in the trip generation analysis. Additional forecasting should be completed for 2025. I4

2) Please clarify trip generation rates from Table 10 for General Office land use. The DEIR references trip generation from the Institute of Transportation Engineers (ITE). Using 1.5 million square feet, clarification is necessary to justify an AM peak hour rate 40% less than the ITE rate and a PM peak hour rate that is 23% less than the ITE rate. I5

3) Please provide justification for the trip generation credit used in the analysis. How, is 800,000 square feet of Research and Development use equivalent to the combination of 900,000 square feet of existing vacated Manufacturing use, and 300,000 square feet of vacated Research and Development use, as full re-occupancy of these existing buildings may not occur. I6

Mitigation:

1) For the proposed project as well as for all the cumulative pending projects described in DEIR Table 14 (page 119), an equitable cost of traffic mitigation for the proposed project, as well as for the pending projects, should be determined and the project proponent should take full responsibility for providing the equitable cost of mitigation. Appendix B, 'Table 16' an "Immediate Implementation Action List" which is directed by the proposed "Countywide Deficiency Plan"(CDP) has been presented. Clarify the actions listed in Table 16 (B) "Public Transit", for example what is the specific shuttle plan, (F) "Traffic Flow Improvements" the Department requests that you clarify these improvements along with the cost and schedule for implementation. I7

2) The CDP has not been adopted at this time. The Department understands that until the CDP can be completed and adopted the project proponent is acting according to the "Santa Clara Valley Transportation Authority Traffic Impact Analysis Guidelines" to formulate an "Immediate Implementation Action List" for mitigation of impacts to the highway system. I8

3) As mentioned in DEIR page 119, the Interstate-880/Coleman interchange (I/C) improvement project is currently being constructed. The Department will require the lead agency and the FMC Coleman PD Rezoning project proponent to calculate their fair share of the I-880/Coleman I/C project cost, and to contribute that amount towards the improvement of this I-880/Coleman I/C. This same methodology should be used for all the interchanges along the freeway segments delineated in DEIR page 50,51 and in Appendix B page 53 and Table 13 (Appendix B). I9

4) The Department requests to meet with the City of San Jose (lead agency) and the project proponent to formulate an agreement for fair share mitigation for the substantial impacts that this project will have on the highway system. It is quite evident that even with the implementation of the mitigation measures, the project will result in significant unavoidable impacts to the highway system. Contact Tom Holley at (510) 622-8706 to arrange the requested meeting. I10

Please feel free to call or email Tom Holley of my staff at (510) 622-8706 or tom_holley@dot.ca.gov with any questions regarding this letter.

Sincerely,

Patricia Maurice for

TIMOTHY C. SABLE
District Branch Chief
IGR/CEQA

c: State Clearinghouse

SANTA CLARA
Valley Transportation Authority

June 2, 2003

J

City of San Jose
Department of Planning and Building
801 North First Street
San Jose, CA 95110

Attention: Janis Moore

Subject: City File No. PDC98-104 / FMC – Coleman Avenue Planned Development Rezoning

Dear Ms. Moore:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Draft EIR for the planned development rezoning of a 92.5-acre site to allow up to 3 million square feet of new buildings on the northwest side of Newhall Street, between Coleman Avenue and the Southern Pacific Railroad right-of-way. We have attached our comments.

In this letter, VTA is highlighting a few critical comments. A more detailed comment for each of the following points is included in the attachment.

- **BART Extension:** VTA recommends that the rezoned land be developed to support the proposed BART project. This includes locating as many jobs as possible within walking distance of, and providing access to, the station. In addition, VTA would like to see the flexibility of the City of San Jose to maximize the density of the site for future developments. The City of San Jose should refer to Appendix D of VTA's *Community Design & Transportation: Manual of Best Practices for Integrating Transportation and Land Use* for recommended densities at regional rail stations. J1

- **Shuttle Service:** The City of San Jose should require that shuttle service be provided by the developer or site management. The proposed site is near major transit stations. It is in close proximity to the Santa Clara Caltrain Station, ACE service, Capitol Corridor service, and the planned BART station and the NYMSJIA Automated People Mover (APM) connection. The proposed site layout would be very well served by a well-designed shuttle service, and could substantially reduce the vehicle trips generated by this project, both during the peak periods and mid-day. J2

- **On-Site Services:** The development should include on-site business-related retail services such as restaurants, postal services, and stores. The service would reduce the number of single-occupant vehicle trips entering and exiting the project. In addition, these retail uses allow employees who choose to take transit to work to have services available to them during the workday. J3

- **Street Design:** The City of San Jose should design the streets to be consistent with planning efforts in the area, including the Santa Clara Countywide Bicycle Plan Cross County Corridors, the BART extension, and VTA's *Community Design & Transportation: Manual of Best Practices for Integrating Transportation and Land Use.* Internal and perimeter streets should have bike lanes, provide for shuttle service, and have a good pedestrian environment. It should also be planned in coordination with the City of Santa Clara as a connection to the future BART station and future pedestrian crossing between the BART and Caltrain stations. J4

- **Parking:** VTA recommends the parking ratio be reduced to avoid the amount of surface area dedicated to parking (9,600 parking spaces). If the amount of spaces cannot be reduced, the City of San Jose should require "land-banking" the parking area where a minimum of 10% of the proposed parking be designated as a landscaped preserve to be paved on an as-needed basis. J5

Please summarize how VTA's comments on the Administrative Draft Transportation Impact Analysis in a letter dated June 14, 2002 have been incorporated into the Draft Environmental Impact Report (DEIR). J6

Thank you for the opportunity to review this project. If you have any questions, please call me at (408) 321-5784.

Sincerely,

R Mol

Roy Molseed
Senior Environmental Planner

RM:kh

cc: Ebrahim Sohrabi, San Jose Public Works Department
Jim Lightbody, VTA
Carolyn Gonot, VTA

Attachment: VTA comments on City File No. PDC98-104
FMC – Coleman Avenue Planned Development Rezoning

BART Extension

The Santa Clara BART station is proposed to be located on the north side of the Union Pacific Railroad right-of-way, centered on Brokaw Road, with a pedestrian connection between the BART and Caltrain stations. The maintenance and storage facility would be located in the eastern portion of the UPRR Newhall Yard in Santa Clara and adjacent to the FMC Coleman Avenue Planned Development Rezoning Project. VTA recommends that the rezoned land be developed to support the proposed BART project by locating as many jobs as possible within walking distance and providing convenient access to the station, as well as maximizing density for future developments. J7

The environmental process for the BART Extension is currently under way, with the preparation of an Environmental Impact Statement/Environmental Impact Report (EIS/EIR). A Draft EIS/EIR is expected to be released in Summer 2003, with final approval of the document targeted for Spring 2004.

Shuttle Service

The size and density of this project will make it a trip destination. Studies have shown that shuttle services are highly successful at developments such as this. Therefore, VTA staff recommends that a shuttle service be provided as a mitigation measure to mitigate the regional traffic impacts associated with this project, and that the project be conditioned to include a shuttle service. VTA recommends that the shuttle service be a permanent service for this site, regardless of ownership changes. This may include a Business Improvement District to provide the shuttle service in perpetuity. The shuttle service should provide stops at the various buildings of the development and run to the nearby transit station that includes the existing Caltrain and ACE as well as the future BART and Automated People Mover (APM). J8

On-Site Services

VTA staff strongly recommends that the project provide walk-accessible, on-site services to reduce the number of single-occupant vehicle trips generated by the project. Employment Service retail such as this is a very small trip generator, with most of them being linked trips. The services should be business related to serve the employees of the site. On-site and walk-accessible employee services include: J9

- Restaurants,
- Day-care,
- Dry-cleaning,
- Fitness,
- Banking,
- Postal,
- Book shops, and
- Convenience stores

Attachment: VTA comments for San Jose File No. PDC98-104
FMC Coleman Avenue Planned Development Rezoning

Planning Coordination with the City of Santa Clara

VTA staff recommends that the City of San Jose consider a policy objective to explore joint development opportunities with the City of Santa Clara in relation to:

- Connectivity of street pattern, and bike/pedestrian facilities (refer to Chapter 5, page 15 of VTA's *Community Design and Transportation Manual*)
- Location, type, and intensity of land uses (including parking) complementary with the City of Santa Clara

J10

Advanced planning should be done at this time, rather than later, so as not to preclude street connectivity and pedestrian/bicycle access between the Cities of San Jose and Santa Clara, across the railroad tracks. VTA staff recommends that the project be conditioned to require the project applicant to participate in the planning of the future BART station so that when the design of the BART station is developed, the FMC site can be re-designed to provide the most efficient and direct street network to facilitate pedestrian and bicycle access directly to the Pedestrian Over-Crossing and the new BART station.

Automobile Parking

The DEIR shows a parking ratio of 3.2 spaces per 1,000 square feet of industrial space. This ratio seems excessive. VTA recommends that the parking ratio be reduced to at least 3.0 – 2.5, but 2.0 is preferred. If the 9,600 parking spaces can't be reduced, VTA staff strongly suggests that the project applicant create a Land-Banking Program where a minimum of 10% of the proposed parking be designated as a landscaped preserve to be paved as parking on an as-needed basis.

J11

The DEIR mentions that the project proposes to provide about 9,600 parking spaces on-site in either surface parking lots or garages. VTA's July 1, 2002 City of San Jose comment letter on the Notice of Preparation for an EIR for the project recommended containing such parking in parking structures rather than in surface parking spaces. Providing 9,600 spaces in surface lots would create immense barriers between pedestrians and bicyclists and the various on-site and off-site structures as well as the available variety of transportation options.

J12

In order to minimize or eliminate surface lots, VTA staff recommends structured parking and on-street parking on internal circulators roads and/or very small sized lots with few parking spaces dedicated for specific uses (e.g., short-term visitor, delivery, pickup/drop-off, etc.). Parking structures should be mixed-use, with ground floor retail and office space or residential units above.

J13

Attachment: VTA comments for San Jose File No. PDC98-104
FMC Coleman Avenue Planned Development Rezoning

Residential Component

With as much as 3 million square feet of proposed employment development, this project would further skew the already-unbalanced jobs-housing ratio in this area. VTA strongly encourages the project to consider adding a housing component to achieve a better jobs-housing balance and as a potential offset to the trips generated by the employment portion. This latter goal might be achieved by making the new housing available to employees of the project only.

VTA staff realizes that a General Plan Amendment is necessary in order to add a residential component to the site. However, due to the fact that this site is located adjacent to an existing Caltrain and ACE station, that is planned to be the site of the future BART and APM station also, residential uses should be included as part of the project not only to provide a strong rider-ship base for the existing and proposed transit facilities, but also to provide a strong customer base for the proposed retail uses on the site. The residential component should provide, at a minimum, live-work lofts, located along the San Jose/Santa Clara border closest to the Santa Clara Caltrain/BART Station to the southwest of the 60dB CNEL contour. J14

Pedestrian Access

The chosen street network and building configuration create a solid foundation for a pedestrian-friendly area, and VTA supports this design. To further provide a pedestrian-friendly, permeable site, the buildings along Coleman should be designed with entrances and connecting pedestrian pathways accessible from both Coleman Avenue and the new public street parallel to Coleman Avenue. J15

Building Configuration and Landscaping

The project should also be commended for providing generous amounts of landscaping, especially as it fulfills water quality goals. However, VTA suggests that the landscaping is not currently placed in optimal locations. For instance, Coleman Avenue is an urban street with buildings close by, where wide sidewalks and an urban street-building interface are appropriate. But the conceptual cross-section shown in Figure 7 shows a 37-foot landscaping area between the buildings and the sidewalk, with trees that seem to purposefully conceal the buildings. Newhall and the other public streets appear to have received similar treatment. J16

VTA strongly recommends that the landscaping be removed from the current locations mentioned above, particularly at the intersections of Coleman and the new public streets. These intersections warrant gateway treatments to reinforce the project's urban identity. To replace the lost landscaping, more pocket parks and small green spaces could be scattered throughout the project, including in

Attachment: VTA comments for San Jose File No. PDC98-104
FMC Coleman Avenue Planned Development Rezoning

areas currently designated for surface parking. The City could also create a landscaped land-banking provision in which a percentage of land reserved for parking is not actually built, but rather, only landscaped, to be built in the future if proved necessary.

Street and Sidewalk Design

VTA staff recommends that the City of San Jose and the FMC developer work with the City of Santa Clara in order to provide connectivity between Brokaw Road and Newhall Street between the two cities. J17

In the street cross sections shown in the EIR, striping is not specified, rendering it difficult to discern the width of individual travel lanes. Travel lanes should be no more than 11-feet, and turn lanes should be no more than 10-feet so as to encourage slow traffic speeds and provide a pedestrian-friendly environment, as well as to allow for bicycle lanes. J18

Street cross-sections show either unspecified sidewalk widths or six-foot widths. For an area with as much development as is proposed here, VTA recommends that sidewalk widths be at least 10 feet throughout the project, especially where ground-floor retail or hotel exists. J19

VTA staff recommend that the City condition the developer to provide sidewalks along the entire project frontage in order to provide convenient access to nearby transit service.

Lastly, the new street parallel to Coleman Avenue, between Coleman Avenue and the proposed Newhall Connection, does not appear to be shown in cross-section. This street could serve as a major pedestrian circulation route throughout the project and provide a cohesive visual identity for the buildings along the street. VTA recommends that this street be designed with narrow travel lanes, angled or parallel street parking rather than perpendicular parking, pedestrian amenities such as street trees, special paving for pedestrian crossings, and mid-block pedestrian crossings aligned with building entrances. J20

Intersection Design

Any intersections constructed or modified as a result of this project should consider the pedestrian impacts of the designs. Diagrams for proposed intersection mitigations are shown on pages 55, 56, and 57, but no other intersection diagrams are included, rendering the designs for the new proposed intersections unclear. J21

Attachment: VTA comments for San Jose File No. PDC98-104
FMC Coleman Avenue Planned Development Rezoning

The proposed intersection mitigation diagrams show very wide intersections, some including channelized right-turn lanes. VTA recommends providing median pedestrian refuge islands instead, since the intersections include multiple lane crossings. Channelized right-turn lanes encourage high-speed vehicle turns, degrading the environment for pedestrians. VTA discourages this design. The curb return radii of the corners are not labeled but appear excessively large. Curb radii should be minimized to discourage high-speed vehicle turns and reduce crossing distances for pedestrians. J22

Transportation Demand Management

In order to reduce the number of single occupant vehicle trips generated by the project, VTA requests the city to require implementation of a comprehensive transportation demand management (TDM) program as a condition of approval or mitigation measure. Effective TDM programs include:

- City-carshare
- Parking Cash-Out
- Direct or Indirect Payments for Taking Alternate Modes
- Transit Fare Incentives such as Eco Pass and Commuter Checks
- Employee Carpool Matching
- Vanpool Program
- Preferentially Located Carpool Parking
- Bicycle Lockers and Bicycle Racks
- Showers and Clothes Lockers for Bicycle Commuters
- Guaranteed Ride Home Program

J23

The DEIR indicates that an aggressive transportation demand management program will be implemented with the project. VTA strongly supports this program, but suggests using a powerful TDM tool that appears to have been omitted: charging people for parking. It is particularly feasible to implement parking charges in this somewhat isolated area, where the potential for spillover parking is low and the availability of nearby transportation alternatives is high.

VTA also recommends providing preferentially located electric vehicle parking with charging stations. Providing charging stations for these vehicles at work and shopping locations allows for more frequent and convenient use of these clean air vehicles. J24

Bicycle/Pedestrian Crossing of the Train Tracks

The proposed project should include a bicycle/pedestrian over-crossing (or under-crossing) of the Union Pacific Railroad Tracks, in order to provide convenient and safe access for FMC site patrons, visitors and employees (1) to the Caltrain J25

station, as soon as the FMC project is completed and (2) to the BART station when the BART extension is completed in the future. The mere presence of the over-crossing will re-affirm/maintain the use of alternative modes by FMC site patrons, visitors and employees, who would otherwise be forced to take long or illegal and unsafe detours to get between the transit station and the FMC site. Due to the fact that this development will bring approximately 3 million square feet of development to this site, the FMC developer should be conditioned to contribute a significant amount of the cost of the over- or under-crossing.

Bicycle Facilities along Coleman Avenue

VTA staff requested in a letter dated June 14, 2002 that the text stating, "the Santa Clara County Bikeways Map designates no bicycle routes along Coleman Avenue near the site" was incorrect. Coleman Avenue is on the Cross County Bicycle Corridor network (in the Santa Clara Countywide Bicycle Plan). Bike Lanes should be included on Coleman Avenue as part of the project between Airport Boulevard and Brokaw Road, at a minimum. The DEIR does not reflect any correction to the Administrative Draft TIA with regards to the Coleman Avenue 'bicycle route'. Please revise the DEIR and TIA to show corrections.

J26

Cross County Bicycle Network

The Cross County Bicycle Corridors were adopted as part of the Santa Clara Countywide Bicycle Plan (2000). The Cross County Bicycle Corridors forms a 347-mile network of routes where the implementation of bikeways is top priority. It is a planning tool. It also maps out the locations of critical gaps.

There are several streets/routes within a ½-mile radius of the project boundaries that are designated as Cross-County County Bicycle Corridors. Specifically they are:

J27

- Coleman Avenue, between W. Brokaw Road and Airport Boulevard.
- W. Brokaw Road., between Coleman and Railroad Avenue.
- A bicycle-pedestrian over-crossing (or under-crossing) along the axis of W. Brokaw Road to cross the train tracks is also included as a major gap in the Cross County Bicycle Corridors that needs to be addressed.
- Hedding Street, between Winchester and 17th Street.

These bicycle routes serve the project, and in turn, are impacted by the project. Bicycle facilities and bicycle-friendly roadway geometrics should be included on these routes. At minimum, the project roadway changes should not worsen conditions for bicyclists on these routes.

Attachment: VTA comments for San Jose File No. PDC98-104
FMC Coleman Avenue Planned Development Rezoning

Bicycle Lanes

In order to make bicycle access as safe and accommodating as possible, bike lanes should be included on all new and reconstructed streets as part of the project. On Figure 7 (Conceptual Street Sections), there are no bike lanes shown on any of the proposed street cross sections. Bike lanes are feasible by reducing the number lanes and/or width of lanes. J28

Hazardous Roadway Geometrics for Bicyclists

The mitigation measures for three intersections in San Jose should be re-considered, as they impose hazardous conditions on bicycles as a result of the project.

1) Coleman Avenue/Taylor Street: adding a free-right turn for the southbound approach.
2) Coleman Avenue/Hedding Street: a shared through/right turn lane is proposed for the southbound approach.
3) Coleman Avenue/Aviation Way: two right-turn lanes are proposed for the eastbound approach. J29

Free right turn lanes put the cyclist at risk of being caught between two lanes of traffic. Shared right/through lanes add confusion for cyclists, who depend on motorists signaling whether they will go straight or turn right. Double-right turn lanes are hazardous for cyclists who are biking through the intersection, as the bicyclists are forced to merge across two lanes of traffic in order to position themselves correctly. Discussion of these scenarios is covered in the Bicycle Technical Guideline sections D3.1.1, D.3.1.2, D3.1.3, and D3.1.4. A copy of the Guidelines may be downloaded from our ftp site at http://www.vta.org/news/vtacmp/Bikes/. Questions regarding the guidelines should be directed to Celia Chung at (408) 321-5725.

Bike Parking

VTA considers bicycling to be an important commute mode by itself and in combination with other modes. As such, all VTA buses and light rail cars are equipped with bicycle racks. VTA bus routes operate within the vicinity of the proposed project. VTA recommends that the project include bike lockers and racks, based on VTA's *Bicycle Technical Guidelines*. The bicycle racks should be located in a visible location, within 50 feet of the main public entrances. The *Bicycle Technical Guidelines* provide additional guidance on estimating supply, siting and design for bicycle storage facilities. A copy of the guidelines is available from our ftp site at http://www.vta.org/news/vtacmp/Bikes/. J30

Attachment: VTA comments for San Jose File No. PDC98-104
FMC Coleman Avenue Planned Development Rezoning

Definition of Impact for LOS F Facility

On page 46, the EIR should state that a mitigation for a CMP intersection already operating at LOS E or F is required if the addition of project traffic increases the average stopped delay for critical movements by four seconds or more and the critical volume-to-capacity ratio increases by 0.01 or more. This applies only to intersections already at LOS F.

J31

APPENDIX A

VTA LETTER DATED JUNE 14, 2002

Comment 1. Existing Conditions
Under the section on field observations on page 21 of the draft TIA it is mentioned that three intersections along Coleman Avenue that have calculated LOS B operations were observed to exhibit operations not indicative of LOS B conditions. Notation of these field observations in Table 4 is recommended.

Response 1.
Field observations notes were added to Tables 3 & 4 of the Final TIA.

Comment 2. Background Conditions
The number of trips associated with the current site that are included in the background conditions is unclear. Is the trip credit shown on Table 10 the basis for the background conditions trips associated with the project site? What is the land use assumption for this trip credit? The total number of trips shown for the 800,000 square feet does not correlate to either the research and development or general office rates shown in Table 10. Or are the background conditions trips associated with the project site based on the approved 1,208,467 square feet of general manufacturing land use cited on page 30 of the draft TIA? Is the distribution of trips from the project site in the background conditions based on the data in Figure 11? If not, please provide a similar figure showing the assumed trip distribution.

On page ES-2 of the Executive Summary it's stated that "these volumes were considered in conjunction with the expected near-term future roadway network configuration." Please provide a figure showing the expected near-term future roadway network configuration.

Response 2.
The trip credit shown on Table 10 was based on the background trip credit associated with the project site. The land use assumption for the trip credit was based on 1,208,467 square feet of general manufacturing. This level of development is equivalent to approximately 800,000 square feet of office R&D insofar as trip generation. The total number of trips shown for the 800,000 square feet of general office is based on ITE fitted curve equations. The background condition trips associated with the project site are based on the existing 1,208,467 square feet of general manufacturing land use cited on page 30 of the draft TIA. The distribution of trips from the project site reported in the background conditions is based on the data provided on Figure 11.

The expected near-term future roadway improvements are based on the I-880/Coleman Avenue interchange improvement project. These improvements are reported as Year 2005 base conditions (Figure 10).

Comment 3. Definition of Project Impact
In reference to the CMP project impact definition, Page ES-3 of the draft TIA states, "For intersections already operating at LOS "E" or "F" under background conditions, an impact occurs if average delay for critical movements under project conditions increases 4.0 seconds or more and critical V/C increases 0.01 or more". This is incorrect. These criteria are applicable only for intersections that are at LOS F.

Response 3.
The CMP guidelines state the following:

The level of service at an intersection drops from LOS "E" or better under background conditions to LOS "F" under project conditions;
or
For an intersection already operating at LOS "F" under background conditions, an impact occurs if average delay for critical movements under project conditions increase 4.0 seconds or more and critical V/C increases 0.01 or more.

Comment 4. <u>Project Impact at CMP Intersections</u>
It is recommended that the discussion on pages ES-5 and 50 on impacts to CMP intersections be revised. The discussions should identify that the identified project impacts were determined on the basis of comparing the change in the average delay and volume-to-capacity rations for the critical movements since the impact is at an intersection that is operating at LOS F. Also, Table 12 identifies an impact only for the PM peak hour for the Central Expressway/De La Cruz Boulevard intersection, while text on page 50 mentions both the AM and PM peak hours

Response 4.
The Central Expressway/De La Cruz Boulevard intersection is impacted during the PM peak hour only.

Comment 5. <u>Freeway Mitigation Measures</u>
The draft TIA recommends implementation of items from the Immediate Implementation action list from the VTA TIA guidelines to address project impacts to the freeway system that can not be reduced to a less than significant level. It is recommended that the specific items that will be implemented to address impacts that can not be mitigated be identified as part of a Transportation Demand Management Program as a condition of project approval.

Response 5.
The TDM immediate action list was provided on page 69 of the Final TIA. Specific items to be addressed will be identified with the City of San Jose as a condition of approval. .

Comment 6. <u>Coleman Avenue Bicycle Network</u>
Page 59 of the draft TIA mentions "the Santa Clara County Bikeways Map designates no bicycle routes along Coleman Avenue near the site." However, Coleman Avenue is on the Cross County Bicycle Corridor network (in the Santa Clara Countywide Bicycle Plan). Bike lanes should be included on Coleman Avenue as part of the project between Airport Boulevard and Brokaw Road, at minimum. This could be achieved with reducing the number of proposed lanes or lane widths. Please consult section 1 of Chapter3, as well as Figures 2, 3, 6B, 10A, 10B, 11, and 12 in the Bicycle Technical Guidelines to redesign intersections affected by project traffic to better accommodate bicycle traffic that share the roadway with motor vehicles. A particular concern for bicycle traffic along Coleman Avenue is the delineation of travel lanes at intersections to minimize conflicts between bicyclists and motor vehicles making right turns. Please consider these points in the development of mitigation measures for the project such as those figures 14 and 15 in the Draft TIA.

Response 6.
This issue was addressed in the Final TIA for the FMC site, dated January 2003, on page 59. The report states "The City of San Jose General Plan and the Santa Clara County General Plan and Bicycle plan were reviewed to determine the project's impact on future bicycle plans. The City of San Jose's Transportation bicycle network includes the section of Coleman

Avenue between De La Cruz Boulevard and Market Street as a Future Bicycle Facility (FBF). With the development of the proposed project, right-of-way along the Coleman Avenue frontage will be dedicated for widening Coleman Avenue. The roadway widening will accommodate the City's FBF. Development of the project will therefore have a positive impact on the future bicycle plans (as measured by evaluation criteria number 2).

Detailed design of the FBF along the Coleman Avenue between Airport Boulevard and Brokaw Road will be addressed during the final design of the roadway widening and intersection improvements.

Comment 7. Pedestrian Overcrossing to Santa Clara Caltrain Station
Page 60 of the Draft TIA states, "a pedestrian over crossing is suggested for the purpose of connecting the site and Brokaw Road with the Santa Clara Caltrain Station." This is not identified as a mitigation measure for the project. Will the project make an appropriate fair share contribution to the construction of this connection from the project site to the Caltrain Station?

Response 7.
Conceptual plans for the programmed BART station at Santa Clara (Brokaw Road) include a pedestrian connection between Brokaw Road and the Santa Clara Caltrain Station. As a result of this BART project, the FMC site development project will not make fair share contribution to the pedestrian over crossing at Brokaw Road.

Comment 8. Bicycle Parking
Although pages 59 to 61 mention that inclusion of bicycle racks as part of the project, there is no mention of bicycle lockers. VTA recommends that the project include bike racks and lockers, based on the VTA's Bicycles Technical Guidelines. The bike racks should be located in a visible location, within 50 feet of the main public entrances. The Bicycle Technical Guidelines provide additional guidance on estimating supply, siting and design for bicycles storage facilities.

Response 8.
The FMC site development project will accommodate bike racks and lockers within 50 feet of main public entrances.